

LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

VOLUME 6, NUMBER 11
SUNDAY, JUNE 1, 1980



IN THIS ISSUE

Emergency Regulation Now in Effect:	
Department of Finance—Reimbursement for employee's travel	557
Amended Regulations Now in Effect:	
Department for Natural Resources and Environmental Protection:	
Certification of Wastewater System Operators	560
Contemporaneous reclamation.	563
Department for Human Resources—Food Service Code	564
Proposed Amendments:	
Department of Personnel—Personnel Rules	576
Board of Nursing Education and Nurse Registration	579
Board for Proprietary Education	579
Department of Transportation—Airport Development	580
Department of Education:	
School District Finance	580
School Terms, Attendance and Operation	581
Kindergartens and Nursery Schools	582
Elementary and Secondary Education Act	583
Department of Labor:	
Labor Standards; Wages and Hours	583
Occupational Safety and Health	583
Department for Human Resources:	
Drug Formulary	589
Certificate of Need and Licensure Board	590
Milk and Milk Products	639
Medical Assistance	645
Public Assistance	647
Proposed Regulations Received Through May 15:	
Department of Finance—Reimbursement for employee's travel	649
Board of Nursing Education and Nurse Registration	651
Department of Education—School Terms, Attendance and Operation	652
Department of Labor—Occupational Safety and Health	652
Department for Human Resources:	
Drug Formulary	653
Hazardous Substances	654
Medical Assistance	655
Minutes of Administrative Regulation Review Subcommittee	656

CUMULATIVE SUPPLEMENT

Locator Table—Effective Dates	L 2
KRS Cross-Reference Table	L 6
Cumulative Index	L 10

This is an official publication of the Commonwealth of Kentucky, Legislative Research Commission, giving public notice of all proposed regulations filed by administrative agencies of the Commonwealth pursuant to the authority of Kentucky Revised Statutes Chapter 13.

Persons having an interest in the subject matter of a proposed regulation published herein may request a public hearing or submit comments within 30 days of the date of this issue to the official designated at the end of each proposed regulation.

The *Administrative Register of Kentucky* is the monthly advance sheets service for the 1980 Edition of KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.

HOW TO CITE: Cite all material in the *Administrative Register of Kentucky* by Volume number and Page number. Example: Volume 2, Kentucky Register, page 318 (short form: 2 Ky.R. 318).

KENTUCKY ADMINISTRATIVE REGULATIONS are codified according to the following system and are to be cited by Title, Chapter and Regulation number, as follows:

Title	Chapter	Regulation
806 KAR 50 :	155	
Cabinet Department, Board or Agency	Bureau, Division or Major Function	Specific Area of Regulation

Administrative Register of Kentucky

(ISSN 0096-1493)

© 1980 Legislative Research Commission, All Rights Reserved

The Administrative Register of Kentucky is published monthly by the Legislative Research Commission, Frankfort, Kentucky 40601. Subscription rate, postpaid in the United States: \$24 per volume of 12 issues, beginning in August and ending with the July issue of the subsequent year.

Second class postage paid at Frankfort, Kentucky.

POSTMASTER: Send address changes to Administrative Register of Kentucky, Room 300, State Capitol, Frankfort, Kentucky 40601.

KENTUCKY LEGISLATIVE RESEARCH COMMISSION

SENATOR JOE PRATHER
Senate President Pro Tem

Chairmen

REPRESENTATIVE WILLIAM G. KENTON
Speaker of the House

Senate Members

JOE WRIGHT
Assistant President Pro Tem

WALTER A. BAKER
Minority Caucus Chairman

JOHN M. BERRY, JR.
Majority Floor Leader

LOWELL T. HUGHES
Majority Whip

EUGENE P. STUART
Minority Floor Leader

CLYDE MIDDLETON
Minority Whip

DAVID K. KAREM
Majority Caucus Chairman

House Members

C. M. "HANK" HANCOCK
Speaker Pro Tem

WILLIAM (BILL) DONNERMEYER
Majority Caucus Chairman

BOBBY H. RICHARDSON
Majority Floor Leader

HERMAN W. RATTLIFF
Minority Caucus Chairman

ARTHUR L. SCHMIDT
Minority Floor Leader

WOODY MAY
Majority Whip

WOODY ALLEN
Minority Whip

VIC HELLARD, JR., Director

SAMUEL L. HENSLEY, Assistant Director for Education and Information

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Members

REPRESENTATIVE WILLIAM T. BRINKLEY
Chairman
SENATOR WILLIAM L. QUINLAN
REPRESENTATIVE ALBERT ROBINSON

Staff

MABEL D. ROBERTSON, Regulations Compiler
O. JOSEPH HOOD, Counsel for the Subcommittee

Emergency Regulation Now In Effect

JOHN Y. BROWN, JR., GOVERNOR
Executive Order 80-293
April 17, 1980

EMERGENCY REGULATION Department of Finance Travel Expense and Reimbursement

WHEREAS, the Department of Finance is directed and authorized by statute to establish travel expense and reimbursement regulations and is responsible for coordinating and supervising the fiscal affairs and procedures of the Commonwealth of Kentucky; and

WHEREAS, in its continuing effort to clarify and simplify the methods of exercising its responsibilities and duties in a manner intended to insure an equitable application and enforcement of the procedures adopted pursuant to statutory authorization, the Department of Finance has proposed a travel expense and reimbursement regulation designed to accomplish this end; and

WHEREAS, orderly implementation by all affected agencies requires advance awareness of a date certain on which the new regulation shall be effective and such a date is stated in the new regulation; and

WHEREAS, it is the recommendation of the Secretary of the Department of Finance that in this time of escalating prices it would be in the best interest of the Commonwealth of Kentucky to implement the proposed regulation promptly and that an emergency be declared in order that said regulation can be made immediately effective:

NOW, THEREFORE, I, John Y. Brown, Jr., Governor of the Commonwealth of Kentucky, by virtue of the Authority vested in me by KRS 13.085(2), do hereby acknowledge the finding of the Secretary of the Department of Finance that an emergency exists and direct that said regulation with respect to travel expense and reimbursement shall be effective upon filing with the Legislative Research Commission as provided by Chapter 13 of the Kentucky Revised Statutes.

JOHN Y. BROWN, JR., Governor
FRANCES JONES MILLS, Secretary of State

DEPARTMENT OF FINANCE

200 KAR 2:005E. Reimbursement for employees travel.

RELATES TO: KRS Chapters 42, 44, 45

PURSUANT TO: KRS 13.082, 42.030, 44.060, 45.170, 45.180, 45.300

EFFECTIVE: May 1, 1980

EXPIRES: August 28, 1980

NECESSITY AND FUNCTION: The Department of Finance is directed by law to coordinate and supervise the fiscal affairs and procedures of the State and is authorized to adopt regulations for that purpose. The purpose of this regulation is to specify eligibility, requirements, rates and forms for reimbursement of travel expense and other official expenses out of the State Treasury.

Section 1. General. (1) Affected agencies. Except as otherwise provided by law, this regulation shall apply to all

departments, agencies, boards, and commissions, and institutions of the Executive Branch of State Government. It shall not apply to the Legislative and Judicial branches and their employees.

(2) Enforcement:

(a) Each agency head is responsible for insuring that all travel expense from that agency is as economical as is feasible.

(b) All persons who travel on official state business shall state on the expense voucher the purpose of each trip, shall maintain records to support their claims and shall provide themselves with sufficient personal funds to defray their travel expense.

(c) 1. The Secretary of the Department of Finance is responsible for insuring that all travel reimbursement conforms to this regulation. He may disallow, reduce or strike from expense vouchers any claims contrary to this regulation. He may also require written justification from agency heads for amounts claimed by their agencies and employees.

2. The Secretary of the Department of Finance may approve exceptions where he finds such exception in the best interest of the Commonwealth.

(3) Internal limits. Within the framework and limits of this regulation, any agency may make further rules for its employees. The agency shall send a copy to the Secretary of the Department of Finance before such internal rules become effective.

(4) Eligibility. Except as provided by state law or by this regulation, no reimbursement can be claimed for expenses of any person other than employees, bona fide wards, or other persons in the official service of the Commonwealth. Only necessary expenses of official travel will be reimbursed.

(5) Interpretation. All final interpretations of this regulation shall be made by the Director, Division of Accounts, Department of Finance, acting for the Secretary, and such determinations shall be final and conclusive.

Section 2. Definitions; Work Station. (1) The official work station of employees assigned to an office is the street address where the office is located.

(2) The official work station of field employees shall be established by the agency head, based solely on the best interests of the Commonwealth, not on employee's convenience. The designation of work station shall not be for the purpose of allowing additional mileage reimbursement for the employee.

(3) If an employee is permanently re-assigned, or is stationed at a new place two (2) months, the new place immediately becomes that employee's official work station concerning travel expense.

Section 3. Authorizations. (1) No travel expense shall be reimbursed unless the travel was authorized in advance as follows:

(a) Travel in Kentucky and within forty (40) miles of Kentucky: authorized by the agency head or a designated representative.

(b) Travel more than forty (40) miles outside of Kentucky but in the other forty-nine (49) states, District of Columbia, Canada, or Mexico: authorized in advance by the department head or a designated representative and by the Secretary of the Department of Finance or a designated representative.

(c) Travel to foreign counties not listed above: authorized in advance by the agency head, Secretary of the Department of Finance and Governor, or by their designated representatives.

(2) All requests for authorization for official travel farther than forty (40) miles from Kentucky must reach the Department of Finance at least five (5) working days before the intended start of travel. If more than four (4) employees are to travel to the same out-of-state destination, the request shall explain the necessity for the number. (Form B120-7, Authorization for Travel.)

Section 4. Transportation. (1) Economy required: (a) State officers, agents, and employees traveling on state business shall use the most economical, standard transportation available and the most direct and usually-traveled routes. Expenses added by use of other transportation or routes must be assumed by the individual.

(b) Round-trip, excursion or other reduced-rate rail or plane fares shall be obtained if practical.

(2) State vehicles. State-owned vehicles with their credit cards shall be used for state business travel when available. No mileage payment shall be claimed when state-owned vehicles are used.

(3) Privately-owned vehicles. Mileage claims for use of privately-owned vehicles may be disallowed if a state vehicle was available and feasible. No reimbursement shall be paid for travel between residence and work station.

(4) Buses, subways. For city travel, employees are encouraged to use buses and subways. Taxi fare may be allowed when more economical transportation is not feasible.

(5) Airline travel. Commercial airline travel shall be coach/tourist class and on this country's airlines. Additional expense for first-class travel will not be reimbursed by the state.

(6) Special transportation:

(a) The cost of hiring cars or other special conveyances in lieu of ordinary transportation will be allowed only with acceptable justification.

(b) Privately-owned aircraft may be used only when it is to the advantage of the state, measured both by travel costs and travel time.

Section 5. Accommodations. (1) Economy required. Lodging costs should be the most economical that are consistent with the state's best interests. Facilities providing special government rates or commercial rates will be used where feasible. Agencies shall contact the department's Division of Accounts travel desk for assistance as needed in obtaining group rates and special state rates.

(2) Location. Cost for lodging within forty (40) miles of the claimant's official work station or home will not be reimbursed.

(3) Group lodging, by contract. Within state purchasing laws and with prior authorization from the Department of Finance, state agencies and institutions may contract with hotels, motels and other establishments for five (5) or more employees to use a room or rooms on official business. Group rates must be requested. The contract may also apply to meals and gratuities. Costs of rooms and meals per person shall not exceed limits set by this regulation under "Reimbursement Rates." The agency shall certify that no employee is claiming individual reimbursement or subsistence for the same costs.

(a) The agency request for Department of Finance approval shall state:

1. The location and nature of the official business requiring travel;
2. The intended length of stay;
3. The number of rooms, meals and employees;
4. Expected cost;
5. Name and address of the hotel, motel, or other proposed establishment.

(b) For payment, the agency shall forward a receiving report (Authorization for Payment Form B111-9) with the vendor's bill, the names of affected employees, a copy of the contract and the approval to the Department of Finance, Division of Accounts. The payment shall not include telephone expenses or personal charges of employees. The state's payment shall be made directly to the hotel, motel, or other establishment.

(4) State parks. A state agency or institution using state park facilities may pay for rooms and meals by inter-account bill.

Section 6. Reimbursement Rates. (1) Lodging plus subsistence and other expenses. Except for the Judicial and Legislative branches, their employees, the Governor, and others listed in subsection (2) below, and except where otherwise provided by law, the reimbursement for official travel expense shall be:

(a) Lodging:

1. If lodging cost is the lowest feasible, a claimant who attaches the hotel's or motel's pre-printed, receipted bill shall be reimbursed within limits for that claimant's actual cost of lodging.

2. Maximum anywhere in the United States shall be thirty-five dollars (\$35) per day, plus taxes, except for "high-rate" areas listed by the Secretary of the Department of Finance. Maximum in listed "high-rate" areas shall be fifty dollars (\$50) per day, plus taxes. The state will not pay for lodging within forty (40) miles of claimant's residence or work station.

(b) Subsistence:

1. Subsistence shall include amounts deemed to have been spent for meals, tax, and tips. To be eligible for subsistence, a claimant's authorized work must require overnight lodging at a destination more than forty (40) miles from both work station and home and must also include absence from work station and home during mealtime.

2. For travel in Kentucky and United States, except "high-rate" areas listed by the Secretary of the Department of Finance, subsistence shall not exceed:

Breakfast (authorized travel must require overnight lodging and must also include 6:30 a.m. through 9 a.m.) \$ 3

Lunch (authorized travel must require overnight lodging and must also include 11 a.m. through 2 p.m.) \$ 3

Dinner (authorized travel must require overnight lodging and must also include 5 p.m. through 8 p.m.) \$ 8

3. For travel to high-rate areas listed by the Secretary of the Department of Finance, subsistence shall not exceed:

Breakfast (authorized travel must require overnight lodging and must also include 6:30 a.m. through 9 a.m.) \$ 4

Lunch (authorized travel must require overnight lodging and must also include 11 a.m. through 2 p.m.) \$ 5

Dinner (authorized travel must require overnight lodging and must also include 5 p.m. through 8 p.m.) \$11

4. A state officer or an employee assigned to attend a function of an organization not under the state officer's control may be reimbursed for actual meal cost charged by the organization, instead of subsistence.

(c) Privately-owned vehicles. Reimbursement for official use of a privately-owned vehicle shall be eighteen (18) cents per mile, and payment shall not exceed airplane coach fare.

(d) Commercial transportation. With receipts actual commercial cost will be reimbursed.

(e) Privately-owned aircraft. Reimbursement for use of privately-owned aircraft shall not exceed the cost of air coach fare.

(f) Camping vehicles. Claimants using camping vehicles for lodging shall be reimbursed not more than four dollars (\$4) per night, plus parking or camping charges. A receipt for parking or camping charges must be submitted.

(g) Parking and tolls. Actual parking, bridge and toll charges are reimbursable. Toll receipts are not required for in-state travel by two (2) axle vehicles.

(h) Baggage charges. Reasonable expenses are allowed for baggage handling, for delivery to or from a common carrier or lodging and for storage. Charges for overweight baggage may be allowed if the excess was for official business.

(i) Registration fees. Registration fees required in official travel for admittance to meetings will be allowed. If the fee entitles registrants to meals, claims for subsistence shall be reduced accordingly.

(j) Telephone expenses. Telephone and telegraph costs for necessary official business will be allowed. Calls to agency central offices should be made by Centrex or collect.

(k) Other. Where justified, other necessary miscellaneous expenses of official travel may be allowed by the Secretary of the Department of Finance.

(2) Actual and necessary expense:

(a) With pre-printed receipts for items over two dollars (\$2), the actual and necessary cost of official business travel (including lodging, meals, related taxes, gratuities and commercial transportation) may be reimbursed to the following:

1. Governor and Lieutenant Governor, other state-wide elected Constitutional officials, cabinet secretaries, the Governor's staff, state employees traveling on assignment with the Governor or Lieutenant Governor, and to authorized persons traveling outside the United States.

2. Reimbursement for official use of a privately-owned vehicle shall be eighteen (18) cents per mile, and such payment shall not exceed airplane coach fare.

(b) The Governor and cabinet secretaries may be reimbursed for their actual costs of entertaining official business guests and shall certify such costs to the Department of Finance.

(c) With certification by the cabinet head, employees of the Development Cabinet and the Department of Public Information may be reimbursed for their actual costs of entertaining the state's official business guests concerning economic development and industrial and travel promotion.

(d) The Secretary of the Department of Finance may question and reduce claims if amounts appear excessive.

Section 7. (1) Travel expense voucher (Form B120-6):

(a) Use:

1. This form shall be used to claim all reimbursement for travel expense.

2. The voucher shall include the expense of only one (1) person except where an employee pays the expenses for a ward of the Commonwealth or other person for whom the claimant is officially responsible. Such persons' names and

status or official relationship to the claimant's agency must be listed on the voucher.

3. A travel voucher shall ordinarily cover one (1) month or one (1) major trip. The purpose of each trip shall be shown on the voucher. If monthly expenses total less than ten dollars (\$10), a voucher may cover as much as six (6) months within the same fiscal year.

(b) Preparation:

1. The travel voucher may be either typed or legibly prepared in ink. All receipts shall be stapled to the back at the upper left corner.

2. If leave interrupts official travel, the travel voucher shall show the dates of leave.

(c) Computing mileage. Mileage for in-state travel will be based on Department of Transportation official mileage map. Out-of-state mileage will be based on Rand McNally mileage maps. If point of origin is the claimant's residence, mileage will be paid between residence and travel destination or between work station and travel destination, whichever is shorter, except that commuting mileage between home and work station will not be paid.

(d) Vicinity travel. Vicinity travel and authorized travel within claimant's work station shall be listed on separate lines on the expense voucher.

(e) Signatures. Travel vouchers shall be signed and dated by the employee submitting the claim and by the employee's supervisor. Other required approvals are listed in this regulation under "Authorizations."

(f) Receipts. Except for mileage and subsistence, claimants shall furnish for each expenditure over two dollars (\$2) the pre-printed, receipted bill from the hotel, motel, restaurant, or other establishment. The receipt must establish the amount, date, location and essential character of the expenditure.

(2) Authorization for out-of-state travel (Form B120-7). This form shall be used to request finance department authorization for travel farther than forty (40) miles from Kentucky. Required approvals are listed in this regulation under "Authorizations."

(3) Contract for rooms and meals (Form B120-16). This form shall be used for group accommodations as described in this regulation under "Accommodations."

Section 8. 200 KAR 2:010, 200 KAR 2:020, 200 KAR 2:030, 200 KAR 2:040, 200 KAR 2:050, 200 KAR 2:060, 200 KAR 2:065, 200 KAR 2:070, 200 KAR 2:090, and 200 KAR 2:100 are hereby repealed.

GEORGE L. ATKINS, Secretary

ADOPTED: April 17, 1980

RECEIVED BY LRC: May 1, 1980 at 11:15 a.m.

Amended Regulations Now In Effect

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION Bureau of Environmental Protection Division of Water Quality As Amended

401 KAR 5:010. Certification of wastewater system [treatment plant] operators.

RELATES TO: KRS 224.135

PURSUANT TO: KRS 13.082, 224.032, 224.033(17)

EFFECTIVE: May 7, 1980

NECESSITY AND FUNCTION: The Secretary is directed to adopt regulations applicable to certification of wastewater system [treatment plant] operators. This regulation establishes standards for classification of wastewater systems [treatment plants]; qualifications of applicants; examination procedures; duties of the board; and, provisions relating to the issuance, renewal or revocation of certificates, fee schedule and other provisions necessary for certification of operators.

Section 1. Definitions. The following terms shall have the meanings set forth below unless the context clearly indicates otherwise:

(1) "Board" means the Kentucky Board of Certification of Wastewater System [Treatment Plant] Operators.

(2) "Department" means the Kentucky Department for Natural Resources and Environmental Protection.

(3) "Secretary" means the secretary of the department.

(4) "Certificate" means a certificate of competency issued by the secretary stating that the operator has met all requirements for the specified operator classification as set by this regulation.

(5) "Division" means the Division of Water Quality, Department for Natural Resources and Environmental Protection.

(6) "Operator" means the person *having primary responsibility* [in charge of the direct operation] of a wastewater system or any portion thereof which may affect the performance of the system [or the effluent produced by such a system].

(7) "Primary responsibility" ["Responsible charge"] means having the authority to conduct or supervise the procedures and practices necessary to insure that the wastewater system or any portion thereof is operated in accordance with accepted practices, laws and regulations of the Commonwealth.

(8) "Wastewater system" means the system of pipes, structures, equipment and processes required to collect, carry and treat domestic and/or industrial wastewater, including solids handling. *The term "wastewater system" is synonymous and interchangeable with the term "sewage system."*

(9) "Wastewater treatment plant" means that portion of the wastewater system used in treatment of domestic and/or industrial wastewater, including solids handling.]

(9) [(10)] "Association of Boards of Certification for Operating Personnel in Water and Wastewater Utilities (ABC)" means that organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of

water supply and wastewater systems and state programs, and assists authorities in establishing new certification programs and upgrading existing ones.

Section 2. Membership and Compensation of the Board. Members of the board will be appointed by the Secretary of the Department for Natural Resources and Environmental Protection or his/her designee. The board shall consist of [the following:] *eight (8) members as follows: one (1) employee of a municipality who holds the position of either city manager, city engineer, director of public works, or the equivalent thereof; one (1) member who is a faculty member of a college, university or professional school whose major field is related to wastewater treatment; one (1) non-voting ex-officio member representing the department; and five (5) members currently employed as operators holding valid certificates where one (1) of these five (5) shall be an operator of an industrial wastewater system.* [Four (4) members who are currently employed as wastewater plant operators holding valid certificates. (One (1) of these members will be an industrial operator and a single treatment facility may only have one (1) member); one (1) employee of a municipality who holds the position of either city manager, city engineer, director of public works, or the equivalent thereof; one (1) member who is a faculty member of a college, university or professional school whose major field is related to wastewater treatment; and one (1) ex-officio member representing the Department for Natural Resources and Environmental Protection.] Board members shall serve for a four (4) year term, except for the first board to which two (2) of the operators will be appointed for four (4) years and *three (3) [two (2)] for two (2) years.* The first college faculty member will be appointed for two (2) years and the remaining board members will be appointed for four (4) years. The department's representative shall serve as executive secretary and treasurer and be responsible for maintaining records. The members of the board shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred while discharging their official duties. *At least four (4) existing members of the board shall constitute a quorum.*

Section 3. General Provisions. (1) Each wastewater system must be operated under the supervision of an individual holding a current Kentucky operator's certificate for at least the class of system he/she supervises. Certified operators are required for the operation of *all* wastewater treatment facilities.

(2) In the event the operator *with primary responsibility* is not physically present while a system [plant] is operating, he/she must be *reasonably* [immediately] available. *Such availability shall be determined by the board on a case-by-case basis.*

Section 4. Duties of the Board. In carrying out its responsibilities the board shall:

(1) Examine the qualifications of applicants for certification.

(2) Recommend qualified applicants for certification by the department.

(3) Maintain records of operator qualifications, certification and register of certified operators.

(4) *Perform such other and further acts as may be necessary to carry out the duties and responsibilities as herein described.*

Section 5. Application for Certification. (1) An operator desiring to be certified shall file application with the *department* [board] preceding examination on an application form provided by the *department* [board].

(2) The executive secretary and treasurer of the board shall assemble all the information needed by the board or *department* to determine eligibility of the applicant for examination and certification.

(3) The board or *department* shall review applications and supporting documents, determine the eligibility of the applicant for examination and notify him/her of his/her status.

Section 6. Examinations. (1) The board and the department shall be jointly responsible for preparation of the examinations to be used in determining knowledge, ability and judgment of the applicants. The examination questions promulgated by the ABC shall be used as a guideline.

(2) Examinations shall be held at places and times set forth by the *department* [board]. [with suitable method of advance announcements made by the board.] The examinations [They] shall be conducted at least semiannually.

(3) Except in cases which the board may decide represent proper exceptions, all examinations shall be written. All examinations will be graded by the board, or by the department and the applicant notified of the outcome. [Applicants will be required to answer at least seventy (70) percent of the examination items correctly in order to successfully pass the examination.] Papers will not be returned to the applicant, but means will be provided to review the results with a member of the board or department upon request by the applicant.

(4) Separate examinations will be prepared to cover basic differences in the duties and responsibilities of operators, types of facilities, variations in wastewater quality, conditions of receiving waters and other pertinent matters.

(5) Applicants who fail to pass an examination may reapply for [repeat] the examination at a [the subsequent] regularly scheduled examination or by appointment with the *department*.

Section 7. Fees. (1) Fees for certification of operators [examination] of wastewater [treatment plant] systems [applicants] shall be as follows [the following]:

(a) Examination: \$10.

(b) Annual renewal of certificate: \$4.

(2) Fees accompanying applications will not be returned to those who do not qualify for a certificate.

Section 8. Issuance of Certificates. (1) Upon satisfactory fulfillment of the requirements provided herein and upon recommendation of the board of certification, the department shall issue a suitable certificate to the applicant designating his/her competency. This certificate will indicate the classification of the wastewater system [treatment plant] for which the operator is qualified.

(2) [Certificates shall be valid for one (1) year unless revoked for cause or replaced by one of a higher classification.] Certificates of operators in good standing will be

renewed annually, upon written application and submission of applicable renewal fee [, without examination].

(3) Certified operators who desire to become certified in a higher classification must first satisfactorily complete the requirements for the higher classification before a new certificate is issued.

(4) Certificates shall be valid only so long as the holder uses reasonable care, judgment and application of his/her knowledge in the performance of his/her duties. No certificate will be valid if obtained through fraud, *deceit* [deceit] or the submission of inaccurate data on qualifications.

(5) The certificates of operators who terminate their employment at a wastewater system [treatment plant] will be valid for five (5) years providing they are renewed as required by subsection 2 [of this section]. After five (5) years, the certificate will be automatically invalidated. Operators whose certificates are invalidated may be issued new certificates of like classification provided appropriate proof of competency is presented to the *board* [department]. Successful completion of a *written or oral* [an] examination shall [may] be required by [at the discretion of] the board.

(6) Certificates may be issued *at the discretion of the board* [, without examination,] in a comparable classification to any person who holds a valid certificate in any state, territory, or possession of the United States or any country provided the requirements for certification of operators under which the person's certificate was issued do not conflict with any provisions of KRS Chapter 224 and are of a *comparable* standard [not lower than specified by regulations adopted under said chapter]; and, providing further, *that* [than] reciprocal privileges are granted to certified operators of this state.

(7) Certificates shall be prominently displayed in the office of the operator.

(8) Certificates heretofore issued by the department shall continue in full force and effect, unless revoked for cause, until such time as the department issues new certificates based upon the [new] classifications provided herein.

(9) *Training requirements:*

(a) Operators shall have accumulated twelve (12) hours of appropriate board approved training for annual certificate renewal. Such training shall include, but may not be limited to, correspondence courses, short courses, trade association meetings, and on-the-job training. Training hours accumulated in any given year in excess of the minimum requirement necessary for renewal may be carried forward for a period not to exceed two (2) years.

(b) The board may waive any or all of the requirements of paragraph (a) for all or portion(s) of a class of operators as defined in Section 11.

(c) Requirements of this subsection shall be effective for certification renewal at midnight on February 28, 1982.

[(9) Operators will be required to have accumulated a total of twelve (12) hours of appropriate board approved classroom study for annual renewal of their certificate. Classroom hours accumulated in any given year in excess of the renewal requirement may be carried forward for a period of up to two (2) years. Classroom hours used for annual renewal will not apply to subsequent certificate renewals.]

Section 9. Revocation of Certificates. The department may revoke the certificate of an operator, following a hearing before the *board* [department] and upon recommendation by the board, [or its designated representative,] when it is found that the operator has practiced fraud or decep-

tion; that reasonable care, judgment or the application of his/her knowledge was not used in the performance of his/her duties; or that the operator is incompetent or unable to properly perform his/her duties.

Section 10. Classification of Wastewater Systems [Treatment Plants]. Wastewater systems [treatment plants] shall be classified in one (1) of four (4) classes. These classifications shall be made according to population served, type of work, character and volume of wastes to be treated, and the use and nature of the water resources receiving the system [plant] effluent. Classification shall be based on the population served or for which the system [plant] is designed except that systems [plants] may be classified in a group higher than indicated at the discretion of the department by reason of the incorporation in the system [plant] of special features of design or characteristics more difficult to operate than usual, or by reason of conditions of flow or use of the receiving water requiring an unusually high degree of system [plant] operation control, or for combinations of such conditions or circumstances.

(1) Class I: System [Plants] serving a population of less than 2,000.

(2) Class II: Systems [Plants] serving a population between 2,000 and 10,000.

(3) Class III: Systems [Plants] serving a population between 10,000 and 40,000.

(4) Class IV: Systems [Plants] serving a population in excess of 40,000.

Section 11. Classification of Wastewater System [Treatment Plant] Operators. Four (4) classes of operators are hereby established and shall range from Class I through Class IV. Each operator classification is intended to relate directly to the corresponding classification of wastewater system [treatment plant].

Section 12. Operator Qualifications: Experience, Education and Equivalencies. (1) Operators shall be examined by the board or department [division] as to education, experience, and knowledge as related to the classification of wastewater systems [treatment plants] for which examined. Applicants may [shall] be required further to give evidence of good moral character, dependability, initiative, interest in his/her work, and other pertinent characteristics in relation to operation of the class of wastewater system [facility] for which certification is being applied. [Applicants must pass the required written examination.]

(2) Experience and educational requirements of operators shall be as follows:

(a) Class I:

1. Completion of high school or equivalent; and

2. One (1) year of acceptable operation of applicable wastewater system [treatment plant].

(b) Class II:

1. Completion of high school or equivalent; and

2. Two (2) [Three (3)] years of acceptable operation of applicable wastewater system [treatment plant] of Class I or higher.

(c) Class III:

1. Completion of high school or equivalent; and

2. Three (3) years of acceptable operation of applicable wastewater system [treatment plant] of Class II or higher.

(d) Class IV:

1. A *baccalaureate* [college] degree in a standard curriculum in engineering, allied sciences or equivalent; and

2. At least five (5) years of acceptable operation of applicable wastewater system [treatment plant] of Class III or higher.

(3) In evaluating qualifications of operators and experience/educational equivalencies the board shall be guided by the following:

(a) Experience requiring some technical knowledge of the work and whether or not responsible charge of work was included. In wastewater systems [large plants], where responsibility is divided, supervisors of important divisions may be credited with having responsible charge.

(b) Experience, to be acceptable, must be the result of satisfactory accomplishment of work. Evaluation may be based on reports of the department or other agencies having appropriate responsibilities for supervising wastewater systems [and plants].

(c) Partial credit may be given for operating experience in maintenance laboratories or other work of wastewater [treatment] systems and allied trades such as plumbing.

(d) Where applicable, education may be substituted for a portion of experience requirements as specified below:

1. One (1) year of college work (limited to approved curricula in environmental engineering, environmental technology or related scientific fields) may be considered as equivalent to a maximum of two (2) years of experience or one (1) year of experience with responsible charge.

2. Where education is substituted for experience it shall not exceed an amount which would reduce the requirements of actual operating experience to less than six (6) months for Class I or less than one (1) year for Class II or two (2) years for Class III [two (2) years for Classes II and III] or three (3) years for Class IV.

3. Education applied to the experience requirement cannot also be applied to the education requirement.

(e) Where applicable, experience may be substituted for education requirements as specified below:

1. One (1) year of experience may be considered as equivalent to a maximum of two (2) years of high school.

2. Each year of responsible charge or two (2) years experience in an important phase of operation, other than responsible charge, will be considered equivalent to one (1) year of college.

3. Experience applied to educational requirements may not also be applied to the experience requirement.

(f) Substitutions for formal education may be as follows:

1. Training credits (T.C.) for board approved operators training schools, seminars and technical courses may be substituted for high school and college requirements. One (1) year of college work equals thirty (30) semester hours or forty-five (45) quarter hours. Six (6) classroom hours of board approved courses shall equal one (1) T.C., and forty-five (45) T.C. equals eighteen (18) semester hours of college or one (1) year of high school.

2. An acceptable high school equivalency certificate may be used to substitute for graduation from high school.

JACKIE SWIGERT, Secretary

ADOPTED: April 22, 1980

RECEIVED BY LRC: April 22, 1980 at 10:30 a.m.

DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION
Bureau of Surface Mining Reclamation and Enforcement
As Amended

405 KAR 1:260. Contemporaneous reclamation.

RELATES TO: KRS 350.093, 350.100

PURSUANT TO: KRS 13.082, 350.028, 350.093, 350.100

EFFECTIVE: May 7, 1980

NECESSITY AND FUNCTION: KRS 350.028 requires the Department for Natural Resources and Environmental Protection to adopt rules and regulations for the strip mining of coal. This regulation sets forth requirements for keeping reclamation operations current with mining operations.

Section 1. Applicability. This regulation shall apply to all strip mining operations conducted on or after May 3, 1978.

Section 2. Backfilling and Grading. Backfilling and grading operations shall proceed as concurrently with mining operations as possible [, in accordance with the approved plan for backfilling and grading,] and in accordance with the requirements of this section, *except that specific time and distance criteria set forth in the approved plan for backfilling and grading shall take precedence over corresponding criteria in this regulation. The approved backfilling and grading plan may specify time and distance criteria less restrictive than those set forth in this regulation when the permittee has demonstrated through detailed written analysis in the permit application that such other criteria are essential to the proposed mining and reclamation operations, and the department has determined that use of such criteria will not likely cause adverse environmental impacts.* As used in this section, "initial surface disturbance" means the initial excavation for the purpose of removal of topsoil or overburden.

(1) Area mining. Backfilling and grading to approximate original contour on a disturbed area shall be completed within 180 calendar days following the removal of coal from that area, and shall not be more than four (4) spoil ridges behind the pit being mined, with the spoil from the pit being mined being considered the first spoil ridge.

(2) Auger mining. Coal removal in a given location shall be completed within sixty (60) [thirty (30)] calendar days after the initial surface disturbance [by removal of topsoil or overburden] at that location. Pursuant to 405 KAR 1:160, Section 2, [Except when specifically authorized in writing by the department,] each auger hole which discharges water which would violate the effluent limitations of 405 KAR 1:170 if untreated, shall be sealed within seventy-two (72) hours of completion of the auger hole by backfilling and compacting noncombustible and impervious material into the auger hole to form a watertight seal, or appropriate treatment shall be started within seventy-two (72) hours to prevent violation of effluent limitations. Backfilling and grading to approximate original contour shall follow coal removal by not more than sixty (60) calendar days and by not more than 1500 linear feet.

(3) Contour mining. Coal removal in a given location shall be completed within sixty (60) [thirty (30)] calendar days after the initial surface disturbance at that location. [Completed] Backfilling and grading to approximate original contour shall follow coal removal by not more than sixty (60) calendar days and by not more than 1500 linear feet.

(4) Multiple-seam contour mining. When overlapping multiple cuts producing a benched highwall are made to remove more than one (1) coal seam at a given location, backfilling and grading at that location shall be completed within sixty (60) calendar days after removal of the last coal seam at that location and shall follow the advancing cut of the last coal seam by not more than 1500 feet. Removal of all coal seams shall proceed as concurrently as possible and in a timely manner, in order to minimize the time period in which disturbed areas are exposed prior to reclamation.

(5) [(4)] Combined contour mining and auger mining. Coal removal by contour mining at a given location shall be completed within the time frame specified in subsection (3) or (4) as appropriate [thirty (30) calendar days after the initial surface disturbance at that location]. Auger mining at a given location shall be completed within thirty (30) calendar days after coal removal by contour mining at that location. Sealing of auger holes and backfilling and grading shall then be completed as required [described] in subsection (2) of this section.

(6) [(5)] Mountaintop removal. Backfilling and grading on a disturbed area shall be completed within 180 calendar days following the removal of coal from that area.

(7) [(6)] All final backfilling and grading shall be completed before equipment necessary for backfilling and grading is removed from the site.

Section 3. Soil Preparation and Revegetation. (1) When backfilling and grading have been completed on an area, the required topsoil redistribution, liming, fertilizing, other soil preparation, seeding, planting, and mulching of that area shall be completed as soon as possible [within thirty (30) calendar days] in a manner consistent with the approved plans for topsoil handling and revegetation.

(2) The time allowed for soil preparation and revegetation pursuant to subsection (1) may exceed thirty (30) calendar days only when specifically authorized in the approved plans for topsoil handling and revegetation or when authorized pursuant to Sections 4 or 5.

Section 4. Time Extensions Due to Adverse [Natural] Conditions. In individual cases the department may grant additional time for coal removal, backfilling and grading, topsoil redistribution, liming, fertilizing, other soil preparation, seeding, planting, and mulching, when adverse weather conditions or other [natural] conditions beyond the operator's control make it impossible to conduct such [reclamation] operations in a timely manner, and such conditions are appropriately documented and are successfully demonstrated to the department. However, no claim for lost time in such [reclamation] operations will be accepted if the operations could reasonably have been [related to mining were] conducted at the time in question.

Section 5. Exceptions and Variances. The department may authorize in writing such exceptions and variances to the requirements of this regulation as the department may deem necessary to reasonably and properly address site-specific conditions.

JACKIE SWIGERT, Secretary

ADOPTED: April 16, 1980

RECEIVED BY LRC: April 17, 1980 at 9:30 a.m.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
Division for Consumer Health Protection
As Amended

902 KAR 45:005. Food service code.

RELATES TO: KRS 219.011 to 219.081, 219.991(1)

PURSUANT TO: KRS 13.082, 194.50, 211.090

EFFECTIVE: May 7, 1980

NECESSITY AND FUNCTION: KRS 219.011 to 219.081 and 219.991(1), the Kentucky Hotel and Food Service Establishment Act, authorizes the Department for Human Resources to regulate food service establishments in Kentucky. KRS 219.041(2) directs the department to adopt a State Food Service Code. The function of this regulation is to establish a uniform State Food Service Code for the regulation of all food service establishments within the Commonwealth of Kentucky for the purpose of protecting the public health.

Section 1. Citation of Regulation. This regulation may be cited as "State Food Service Code."

Section 2. Definitions. As used in this regulation: (1) "Adulterated food and food products" means any food or food product adulterated as provided by KRS 217.025 of the Kentucky Food, Drug and Cosmetic Act.

(2) "Approved" means acceptable to the department based on determination as to conformance with appropriate standards and good public health practices.

(3) "Chemical preservative" means any chemical that, when added to a food, tends to prevent or retard deterioration thereof, but does not include common salt, sugars, vinegars, spices, or oils extracted from spices, substances added to food by direct exposure thereof to wood smoke, or chemicals applied for their insecticidal or herbicidal properties.

(4) "Closed" means without openings large enough for the entrance of insects. An opening of one-sixteenth (1/16) inch or less is closed.

(5) "Corrosion-resistant material" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions and other conditions of the use environment.

(6) "Department" means the Department for Human Resources and includes the local health department having jurisdiction and their duly designated representatives.

(7) "Easily cleanable" means that surfaces are readily accessible and made of such material and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

(8) "Employee" means the permit holder, individuals having supervisory or management duties and any other person working in a food handling establishment.

(9) "Equipment" means stoves, ranges, hoods, ovens (including microwave), cookers, bins, conveyor belts, refrigerators, freezers, mixers, grinders, saws, sinks, tables, display cases, meat blocks, wrapping machines, scales, checkout counters, vehicles and similar items.

(10) "Food contact surfaces" means those surfaces with which food may come in contact, and those surfaces that drain onto surfaces that may come in contact with food.

(11) "Kitchenware" means all multi-use utensils other than tableware used in the storage, preparation, conveying or serving of food.

(12) "Misbranded food and food products" means any food or food product misbranded as provided by KRS 217.035 of the Kentucky Food, Drug and Cosmetic Act.

(13) "Mobile food unit" means a food service establishment that is designed to be readily movable.

(14) "Packaged" means bottled, canned, cartoned, or securely wrapped at a food processing establishment.

(15) "Package" means any container or wrapping in which any food is enclosed for use in the delivery or display to retail purchasers, but does not include: shipping containers or outer wrappings used by retailers to ship or deliver any food to retail customers if such containers and wrappings bear no printed matter pertaining to any particular commodity; containers used for tray pack displays in retail establishments; transparent wrappers or containers which do not bear written, printed, or graphic matter obscuring the label information, and any other exemption granted pursuant to the Federal Food, Drug and Cosmetic Act.

(16) "Perishable food" means food of such type or in such conditions or physical state that it may spoil or otherwise become unfit for human consumption.

(17) "Pesticides" includes pesticides, insecticides, fungicides, herbicides, and rodenticides as defined in KRS 217B.040(2), (3), (4), (5), and (9) and any other toxic substance or compound designated by the department.

(18) "Potentially hazardous food" means any food which consists in whole or in part of milk or milk products, eggs or egg products, meat or meat products, poultry or poultry products, fish or fish products, shellfish (oysters, clams, mussels and edible crustacea) or shellfish products, cooked rice, or other ingredients including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. This term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (aw) value of 0.85 [eighty-five (85) percent] or less, nor does it include hard-boiled, peeled eggs, commercially prepared, packaged and properly labeled.

(19) "Pushcart" means a non-self-propelled vehicle limited to serving non-potentially hazardous foods or commissary-wrapped food maintained at safe temperatures or limited to the preparation and serving of frankfurters.

(20) "Reconstituted" means dehydrated food products combined with water or other liquids.

(21) "Safe temperature" means, when considering potentially hazardous food, food temperature of forty-five (45) degrees Fahrenheit or below and 140 degrees Fahrenheit or above, except for frozen food, which should be stored at zero (0) degrees Fahrenheit, or less.

(22) "Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

(23) "Sealed" means free of cracks or other openings which permit the entry or passage of moisture.

(24) "Single-service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping material including bags, toothpicks and similar articles which are designed for one-time, one-person use and then discarded.

(25) "Tableware" means all multi-use eating and drinking utensils.

(26) "Temporary food service establishment" means any food service establishment which operates at a fixed

location for a period of time, not to exceed fourteen (14) consecutive days.

(27) "Utensil" means any implement used in the preparation, storage, transportation or service of food.

(28) "Wholesome" means in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

Section 3. [2.] Applicability. The requirements of this regulation are applicable to all food service establishments, as defined by KRS 219.011(3) located within the Commonwealth of Kentucky.

Section 4. [3.] Application for Permit to Operate a Food Service Establishment. Any person desiring to operate a food service establishment shall make written application for a permit on forms provided by the department. Such application shall include the name and address of the applicant, the location and type of the proposed food service establishment, and the signature of the applicant. If the application is for a temporary food service establishment, it shall also include the dates of the proposed operation. Prior to approval of an application for permit, the department shall inspect the proposed food service establishment to determine compliance with the provisions of this regulation. The department shall issue a permit to the applicant if the inspection reveals that the proposed food service establishment complies with the requirements of this regulation.

Section 5. [4.] Food supplies. (1) Food shall be wholesome and free from spoilage, filth, or other contamination and shall be safe for human consumption. Food shall be obtained from sources that comply with all applicable federal and state laws relating to food and food labeling. The use of food and food products canned, prepared or processed in the home is prohibited.

(2) Fluid [All] milk and fluid milk products used or served shall be pasteurized and shall meet the Grade A quality standards as established by law and regulation [comply with applicable department regulations relating thereto]. Dry milk and milk products shall be made from pasteurized milk and milk products.

(3) All shellfish [used or served], fresh or frozen shall be packed in non-returnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the interstate certification number issued according to law. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used. Each container of unshucked shell stock (oysters, mussels, clams and edible crustacea) shall be identified by an attached tag that states the name and address of the original shell stock processor, the kind and quantity of shell stock, and the interstate certification number issued by the state or foreign shellfish control agency and shall comply with applicable department regulations relating thereto.

(4) Only clean whole eggs, with shell intact and without cracks or checks, or pasteurized liquid or pasteurized dry egg or egg products shall be used; [...] except that hard-boiled peeled eggs, commercially prepared and packaged, may be used.

(5) All meat and meat products, poultry and poultry products shall have been inspected and passed for wholesomeness under an official governmental regulatory program.

(6) All fish and fish products shall be from approved sources that comply with all applicable federal and state laws relating to food and food labeling.

Section 6. [5.] Food Protection. (1) Food shall be protected [At all times, including] while being stored, prepared, displayed, served, or transported [, food shall be protected] from potential contamination [from all agents,] including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage and overhead leakage or condensation. The temperature of potentially hazardous foods shall be forty-five (45) degrees Fahrenheit or below or 140 degrees Fahrenheit or above at all times, except during necessary periods of preparation and service. Shell eggs shall be stored at sixty (60) degrees Fahrenheit or below.

(2) In the event of fire, flood, power outage, water cut-off, or similar catastrophic event that might result in the contamination of food, or that might prevent potentially hazardous foods from being held at required temperatures, the person in charge shall immediately contact the department. Upon receiving notice of this occurrence, the department shall take whatever action that it deems appropriate to protect the public health.

Section 7. [6.] Food Storage. (1) [Stored] Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be stored [enclosed] in a clean covered container except during necessary periods of preparation or service. Container covers shall be impervious and nonabsorbent, except that linens or napkins may be used for lining or covering bread or roll containers. Solid cuts of meat shall be protected by being covered in storage, except that quarters or sides of meat may be hung uncovered on clean sanitized hooks if no food product is stored beneath the meat.

(2) Containers of food shall be stored a minimum of six (6) inches above the floor [on clean surfaces] in a manner [way] that [permits cleaning the storage area and that] protects the food from [contamination by] splash and other contamination, [means;] and that permits easy cleaning of the storage area, except that: [provided, that food in non-absorbent containers may be stored on the floor when it is maintained in an acceptable sanitary condition.]

(a) Metal pressurized beverage containers, and cased food packaged in cans, glass or other waterproof containers need not be elevated when the food container is not exposed to floor moisture;

(b) Containers may be stored on dollies, racks or pallets, provided such equipment is easily movable.

(3) Food or containers of food shall not be stored under exposed sewer or non-potable water lines, except for automatic fire protection sprinkler heads [required by law]. Food shall not be stored in toilet room or toilet room vestibule.

(4) Food not subject to further washing or cooking before serving shall be stored in a way that protects it against contamination from food requiring washing or cooking. Food shall be stored in such a way that protects it from cross-contamination.

(5) Packaged food shall not be stored in contact with water or undrained ice. Wrapped sandwiches shall not be stored in direct contact with ice or water.

(6) Unless its identity is unmistakable, bulk food such as cooking oil, syrup, salt, sugar, flour, meal and similar products, not stored in the container or package in which it

was obtained shall be stored in a container identifying the food by common name.

(7) Enough conveniently located refrigeration facilities or effectively insulated facilities shall be provided to assure the maintenance of *potentially hazardous food* at the required temperature[s] of *forty-five (45) degrees Fahrenheit or below* during storage. Each *mechanically refrigerated [cold food storage] facility storing potentially hazardous foods* shall be provided with a numerically scaled indicating thermometer, accurate to plus or minus three (3) degrees Fahrenheit located to measure the air temperature in the warmest part of the facility and located to be easily readable. *Recording thermometers accurate to plus or minus three (3) degrees Fahrenheit may be used in lieu of indicating thermometers. Cold potentially hazardous foods shall be maintained at forty-five (45) degrees Fahrenheit or below during transportation.*

(8) The temperature of *potentially hazardous foods* requiring refrigeration shall be *forty-five (45) degrees Fahrenheit or below* except during necessary periods of preparation.

(9) Frozen foods shall be kept frozen and should be stored at a temperature of zero (0) degrees Fahrenheit or below.

(10) [Stored] Ice intended for human consumption shall not be used as a medium for cooling stored food, food containers, or food utensils[.], *except that such ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head, provided: tubes, cold plates and etc., are kept clean, in good repair, and are constructed from approved materials. Ice used for cooling and maintaining cold temperatures of stored food and food containers shall not be used for human consumption.*

(11) Enough conveniently located hot food storage facilities shall be provided to assure the maintenance of *potentially hazardous food* at the required temperature of *140 degrees Fahrenheit or above* during storage. Each hot food [storage] facility *storing potentially hazardous foods* shall be provided with a numerically scaled indicating thermometer accurate to plus or minus three (3) degrees Fahrenheit located to *measure the air temperature* in the coolest part of the facility and located to be easily readable. *Recording thermometers, accurate to plus or minus three (3) degrees Fahrenheit, may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as bainmaries, steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a product thermometer accurate to within plus or minus three (3) degrees Fahrenheit shall be readily available and used by the establishment personnel to check internal food temperatures.*

(12) The *internal* temperature of *potentially hazardous foods* requiring hot storage shall be *140 degrees Fahrenheit or above [more]* except during necessary periods of preparation *and such hot potentially hazardous foods to be transported shall be held at an internal temperature of 140 degrees Fahrenheit at all times during transportation.*

Section 8. [7.] Food Preparation. (1) Food shall be prepared with the least possible manual contact, using suitable utensils, and on surfaces that prior to use have been cleaned, rinsed and sanitized[. Methods and procedures used shall] to prevent cross-contamination.

(2) Raw fruits and raw vegetables shall be washed thoroughly before being cooked or served.

(3) Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 140 degrees Fahrenheit except that:

(a) Poultry, poultry stuffings, and stuffed meats shall be cooked to heat all parts of the food to at least 165 degrees Fahrenheit with no interruption of the cooking process.

(b) Raw pork and products containing raw pork shall be cooked to heat all parts of the food to at least 150 degrees Fahrenheit.

(c) *Rare roast beef shall be cooked to an internal temperature of at least 130 degrees Fahrenheit, and rare beef steak shall be cooked to a temperature of 130 degrees Fahrenheit unless otherwise ordered by the immediate customer.*

(4) Reconstituted[.] dry milk[.] and dry[-]milk products may be used in instant desserts and whipped products, or for cooking and baking purposes. [., dry eggs and dry egg products shall be used only if heated to 140 degrees Fahrenheit or above.]

(5) Liquid, frozen, dry eggs and egg products shall be used only for cooking and baking purposes.

(6) [(5)] Potentially hazardous foods that were cooked and then refrigerated shall be reheated rapidly to 165 degrees Fahrenheit or higher throughout before *being served or before* being placed in a hot food storage facility. Steam tables, bainmaries, warmers, and other hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.

(7) Non-dairy creaming, whitening, or whipping agents may be reconstituted on the premises only when they will be stored in sanitized, covered containers not exceeding one (1) gallon in capacity and cooled to *forty-five (45) degrees Fahrenheit or below.*

(8) [(6)] Metal stem-type numerically scaled indicating thermometers accurate to plus or minus three (3) degrees Fahrenheit shall be provided and used to assure attainment of proper internal cooking temperatures of all potentially hazardous foods.

(9) [(7)] Potentially hazardous foods shall be thawed:

(a) In refrigerated units in a way that the temperature of the food does not exceed *forty-five (45) degrees Fahrenheit*; or

(b) Under potable running water of a temperature of seventy (70) degrees Fahrenheit or below, with sufficient water velocity to agitate and float off loose food particles into the overflow; or

(c) In a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or

(d) As part of the conventional cooking process.

Section 9. [8.] Food Display and Service. (1) Potentially hazardous foods shall be kept at a temperature of *forty-five (45) degrees Fahrenheit or lower* or at a temperature of 140 degrees Fahrenheit or higher during display and service.

(2) Food on display shall be protected from consumer contamination by the use of easily cleanable counter-protector devices, display cases and similar equipment in addition to other means of protection.

(3) Reuse of soiled tableware by self-service consumers *returning to the service area for additional food* is prohibited. *Beverage cups and glasses are exempt from this requirement. Clean tableware shall be made available and a sign shall be posted in self-service food area to inform customers of this requirement.*

(4) Suitable utensils shall be used by employees or provided for consumers self-service to avoid unnecessary con-

tact with food. Between uses during service, utensils shall be:

- (a) Stored in food containers with the food they are being used to serve; or
- (b) Stored clean and dry; or
- (c) Stored in running water; or
- (d) In the case of dispensing utensils and malt collars used in serving frozen desserts, stored either in a running water dipper well, or clean and dry.

(5) Ice for consumer use shall be dispensed only with scoops, tongs, or other ice-dispensing utensils by either employees or self-service or through automatic self-service ice-dispensing equipment. Between uses during service, ice-dispensing utensils and ice receptacles shall be stored in a way that protects them from contamination.

(6) Sugar, condiments, seasonings, and dressings for self-service use shall be provided only in individual packages or from dispensers or containers that protect their contents.

(7) Milk and milk products for drinking purposes shall be provided to the consumer in an unopened, commercially filled package not exceeding one (1) pint in capacity, or served from an approved bulk milk dispenser. *When a bulk dispenser for milk or milk products is not available and portions of less than one-half (½) pint are required for mixed drinks, cereal, or dessert service, milk and milk products may be poured from a commercially filled container of not more than one-half (½) gallon capacity.*

(8) *Cream, half and half, or non-dairy creamers or whitening agents shall be provided in an individual service container, protected pour-type pitcher or drawn from a refrigerated dispenser designed for such service.*

(9) [(8)] Once served to a consumer, individual portions of food shall not be served again. Packaged food, other than potentially hazardous food, that is still packaged and is still wholesome, may be re-served.

Section 10. [9.] Food Transportation. During transportation, food and food utensils shall be in covered containers or completely wrapped or packaged so as to be protected from contamination. During transportation, including transportation to another location for service or catering operations, food shall meet the requirements of this regulation relating to protection and storage of food.

Section 11. [10.] Employee Health. No person, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while afflicted with a boil, an infected wound, or an acute respiratory infection, shall work in a food service establishment, except as noted in Section 39[38] of this regulation.

Section 12. [11.] Personal Cleanliness. Employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking or using the toilet. Employees shall keep their fingernails clean and trimmed.

Section 13. [12.] Clothing. (1) The outer clothing of all employees shall be clean and suitable for the task to be performed.

(2) *Hairnets, hats, scarfs, or similar hair coverings shall be required for all employees working in food preparation areas. Employees working in other areas of establishments shall arrange their hair to prevent the contamination of food, equipment and utensils. [Employees shall use effective*

hair restraints where necessary to prevent the contamination of food or food contact surfaces.]

Section 14. [13.] Employee Practices. (1) Employees shall consume food only in designated dining areas. An area shall not be designated as a dining area if consuming food there might result in contamination of other food, equipment, utensils, or other items needing protection.

(2) Employees shall not use tobacco in any form while engaged in food preparation or service, nor while in equipment or utensil-washing or food preparation areas. Employees shall use tobacco in any form only in designated areas. An area shall not be designated for that purpose if the use of tobacco there might result in contamination of food, equipment, utensils, or other items needing protection.

(3) Employees shall handle soiled tableware in a way that minimizes contamination of their hands.

(4) Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices.

(5) Employees shall remove all insecure jewelry, and during periods when food is manipulated by hand, remove from hands any jewelry that cannot be adequately sanitized.

Section 15. [14.] Equipment and Utensils Materials. (1) Multi-use equipment and utensils shall be made and repaired with safe materials, including finishing materials; shall be corrosion resistant and shall be nonabsorbent; and shall be smooth, easily cleanable, and durable under conditions of normal use. Single-service articles shall be made from clean, sanitary, safe materials. Equipment, utensils and single-service articles shall not impart odors, color or taste, nor contribute to the contamination of food.

(2) If soft solder or hard solder (silver solder) is used, it shall be composed of safe materials and be corrosion resistant.

(3) Hard maple or equivalently nonabsorbent materials that meet[s] the general requirements set forth in subsection (1) of this section may be used for cutting blocks, cutting boards, *salad bowls*, and bakers' tables. The use of wood as a food-contact surface under other circumstances is prohibited, *except in the case of single service articles such as chopsticks, coffee stirrers, ice cream spoons and similar articles.*

(4) Safe plastic or safe rubber or safe rubber-like materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping, and distortion, that are of sufficient weight and thickness to permit cleaning and sanitizing by normal dishwashing methods, and which meet the general requirements set forth in subsection (1) of this section are permitted for repeated use. The use of equipment and utensils made of materials not meeting the requirements of this section is prohibited.

(5) *Mollusk and crustacea shells may be used only once as a serving container. Further re-use of such shells for food service is prohibited. [The repeated use of mollusk or crustacea shells as food containers is prohibited.]*

Section 16. [15.] Equipment and Utensils Design and Fabrication. (1) All equipment and utensils, including plasticware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, chipping, and crazing. Food-contact surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, and free of difficult to clean internal corners

and crevices. Cast iron may be used as a food-contact surface only if the surface is heated, such as in grills and skillets. Threads shall be designed to facilitate cleaning; ordinary "V" type threads are prohibited, *except that in equipment, such as ice makers or hot oil cooking equipment and hot oil filtering systems, the use of such threads shall be minimized.*

(2) Equipment containing bearings and gears requiring unsafe lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food-contact surfaces. Only safe lubricants shall be used on equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces.

(3) Sinks, dish tables, and drain boards shall be self-draining.

(4) Unless designed for in-place cleaning, food-contact surfaces shall be accessible for cleaning and inspection:

(a) Without being disassembled; or

(b) By disassembling without the use of tools; or

(c) By easy disassembling with the use of only simple tools kept available near the equipment, such as a mallet, a screwdriver, or an open-end wrench.

(5) Pipes, tubes, valves, and lines contacting food and intended for in-place cleaning shall be so designed and fabricated that:

(a) Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen; and

(b) Cleaning and sanitizing solutions will contact all interior food-contact surfaces; and

(c) The system is self-draining or capable of being completely evacuated.

(6) Thermometers required for immersion into food or cooking media shall be of metal stem-type construction, numerically scaled, and accurate to plus or minus three (3) degrees Fahrenheit.

(7) Surfaces of equipment not intended for contact with food, but which are exposed to splash or food debris or which otherwise require frequent cleaning, shall be designed and fabricated so as to be smooth, washable, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and shall be of such material and in such repair as to be easily maintained in a clean and sanitary condition.

(8) Ventilation hoods and devices shall be designed to prevent grease or condensate from dripping into food or onto food-contact surfaces. Filters where used, shall be readily removable for cleaning and replacement.

Section 17. [16.] Equipment Installation and Location.

(1) Equipment, including ice makers and ice storage equipment, shall not be located under exposed sewer lines, non-potable water lines, stairwells or other sources of contamination. *This prohibition does not apply to automatic fire protection sprinkler heads.*

(2) Equipment that is placed on tables or counters, unless portable, shall be sealed to the table or counter or mounted on legs at least four (4) inches high and shall be installed to facilitate the cleaning of the equipment and adjacent areas.

(3) Equipment is [not] portable within the meaning of subsection (2) of this section *if* [unless]:

(a) It is small and light enough to be moved easily by one (1) person; and

(b) It has no utility connection, or has a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning.

(4) Floor-mounted equipment, unless readily movable, shall be:

(a) Sealed to the floor; or

(b) Installed on raised platforms of concrete or other smooth masonry in a way that prevents liquids or debris from seeping or settling underneath, between, or behind the equipment in spaces that are not fully open for cleaning and inspection; or

(c) Elevated on legs at least six (6) inches off the floor, except that vertically mounted floor mixers may be elevated as little as four (4) inches off the floor if no part of the floor under the mixer is more than six (6) inches from cleaning access. Unless sufficient space is provided for easy cleaning between and behind each unit of floor-mounted equipment, the space between it and adjoining equipment units and between it and adjacent walls shall be closed or, if exposed to seepage, the equipment shall be sealed to the adjoining equipment or adjacent walls.

(5) Aisles and working spaces between units of equipment and between equipment and walls should be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact.

(6) Equipment which was installed prior to the effective date of this regulation and which does not meet fully all of the requirements of this section, shall be deemed acceptable, if it is in good repair, capable of being maintained in a sanitary condition and the food contact surfaces are non-toxic. Such equipment shall be so located and installed as to enable reasonable compliance with the requirements of this section.

Section 18. [17.] Equipment and Utensil Cleaning and Sanitization. (1) Tableware shall be cleaned and sanitized after each use.

(2) Kitchenware and food-contact surfaces of equipment used in the preparation, service, display or storage of potentially hazardous foods shall be cleaned and sanitized after each use and following any interruption of operations during which time contamination may have occurred.

(3) Where equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production line basis, utensils and the food-contact surfaces of equipment shall be cleaned and sanitized at intervals throughout the day on a schedule [approved by the department. This schedule shall be] based on food temperature, type of food, and amount of food particle accumulation.

(4) The food-contact surfaces of grills, griddles, and similar cooking devices and the cavities *and door seals* of microwave ovens shall be cleaned at least once a day, *except that this shall not apply to hot oil cooking and filtering devices and systems.* [and] *Food contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil.*

(5) Non-food contact surfaces of equipment shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

(6) Cloths used during service for wiping food spills on food contact surfaces shall be clean, dry, and used for no other purpose. *Moist cloths used for wiping food-contact surfaces of equipment shall be clean and rinsed frequently or stored in one (1) of the sanitizing solutions permitted by subsection (7)(a) of this section.* *Moist cloths, or sponges, used for cleaning [wiping] non-food-contact surfaces shall be clean and used for no other purpose.* These cloths shall

be rinsed frequently or stored in one (1) of the sanitizing solutions permitted by subsection (7)(a) of this section.

(7) When manual cleaning and sanitizing is used, sinks shall be cleaned prior to use. Equipment and utensils shall be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil. Equipment and utensils shall be thoroughly washed in a hot detergent [that is kept clean and then shall be rinsed free of detergent and abrasives.] solution *in the first compartment, rinsed in the second compartment and shall be sanitized in the third compartment according to one (1) of the methods included in paragraph (a) 1. to 4.*

(a) All tableware and the food-contact surfaces of all other equipment and utensils shall be sanitized by:

1. Immersion for at least one-half ($\frac{1}{2}$) minute in clean, hot water of a temperature of at least 170 degrees Fahrenheit; or

2. Immersion for at least one (1) minute in a clean solution containing at least fifty (50) parts per million of available chlorine as a hypochlorite and having a temperature of at least seventy-five (75) degrees Fahrenheit; or

3. Immersion for at least one (1) minute in a clean solution containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0 and having a temperature of at least seventy-five (75) degrees Fahrenheit; or

4. Immersion in a clean solution containing other chemical sanitizing agents approved by the department that will provide the equivalent bactericidal effect of a solution containing at least fifty (50) parts per million of available chlorine as a hypochlorite at a temperature of at least seventy-five (75) degrees Fahrenheit for one (1) minute; or

5. Treatment with steam free from harmful materials or additives in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or

6. Rinsing, spraying, or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under subsection (7)(a) 4. of this section when used for immersion sanitization in the case of equipment too large to sanitize by immersion.

(b) When chemicals are used for sanitization, *they shall not have concentrations higher than the maximum permitted under the Code of Federal Regulations, Title 21, Food and Drug Administration Chapter 1, sub-part "B," Substances Utilized to Control the Growth of Microorganisms, Section 178.1010 Sanitizing Solutions, and a test kit or other device that accurately measures the parts per million concentration of the solution shall be provided and used.*

(c) A three (3) compartment sink shall be used if cleaning and sanitization of equipment or utensils is done manually; provided, that existing establishments not having a three (3) compartment sink that can demonstrate an acceptable procedure for cleaning and sanitizing equipment and utensils may be exempt from this requirement by the department. Sinks shall be large enough to permit the complete immersion of the equipment and utensils and each compartment of the sink shall be supplied with hot and cold potable running water. [A two (2) compartment sink will be acceptable where only single service tableware is used.] Suitable equipment shall be made available if cleaning and sanitizing cannot be accomplished by immersion.

(d) Dish tables or drain boards of adequate size shall be provided for proper handling of soiled utensils prior to

washing and for cleaned utensils following sanitizing and shall be located so as not to interfere with the proper use of the dishwashing facilities.

(e) When hot water is used for sanitizing, the following facilities shall be provided and used:

1. An integral heating device or fixture installed in or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170 degrees Fahrenheit; and

2. A numerically scaled indicating thermometer accurate to plus or minus three (3) degrees Fahrenheit convenient to the sink that can be used for frequent checks of water temperature; and

3. Dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.

(8) When mechanical cleaning and sanitizing is used, cleaning and sanitizing may be done by spray-type or immersion dishwashing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans and sanitizes equipment and utensils. Such machines and devices shall be properly installed and maintained in good repair. Automatic detergent dispensers and wetting agent dispensers, if any, shall be properly installed and maintained.

(a) The pressure of water supplied to spray-type dishwashing machines shall be not less than fifteen (15) or more than twenty-five (25) pounds per square inch measured in the water line immediately adjacent to the machine. A suitable gauge cock shall be provided immediately upstream from the final rinse sprays to permit checking the flow pressure of the final rinse water.

(b) Easily readable numerically scaled indicating thermometers accurate to plus or minus three (3) degrees Fahrenheit shall be provided that indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold.

(c) Rinse water tanks shall be so protected by baffles or other effective means as to minimize the entry of wash water into the rinse water. Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles as determined by specifications attached to the machines.

(d) Drain boards shall be of adequate size for the proper handling of soiled utensils prior to washing and of cleaned utensils following sanitization and shall be so located and constructed as not to interfere with the proper use of the dishwashing facilities.

(e) Equipment and utensils shall be flushed or scraped and, when necessary, soaked to remove gross food particles and soil prior to their being cleaned in a dishwashing machine. After flushing, scraping, or soaking, equipment and utensils shall be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces [services] are subject to the unobstructed application of detergent wash and clean rinse waters and that permits free draining. Clean rinse water shall remove particulate matter and detergent residues. All dishwashing machines shall be thoroughly cleaned *at least once a day or more often when necessary to maintain them in a satisfactory operating condition* [following use].

(9) When chemicals are used for sanitization, they shall be automatically dispensed in such concentration and for such a period of time as to provide effective bactericidal treatment of equipment and utensils. Wash water shall be kept clean. In machines using chemicals for sanitization (single-tank, stationary-rack, door-type machines, and

spray-type glass washers), the temperature of the wash water shall be not less than 120 [140] degrees Fahrenheit. The sanitizing rinse water shall be not less than seventy-five (75) degrees Fahrenheit nor less than the temperature specified by the machine manufacturer.

(10) Where machines using hot water sanitization are used, wash waters and pumped rinse waters shall be kept clean. Water shall be maintained at not less than the temperatures stated in paragraphs (a) to (e) of this subsection; provided, that existing machines not fully meeting the requirements of this subsection may be acceptable, if capable of meeting such time and temperature requirements as are acceptable by the department. Wash and pumped rinse temperatures shall be measured in the respective tanks, and final rinse temperatures shall be measured at the manifold.

(a) Single tank, stationary rack [tank], dual temperature machine:

1. Wash temperature: 150 degrees Fahrenheit.
2. Final rinse temperature: 180 degrees Fahrenheit.

(b) Single tank, stationary rack, single temperature machine:

1. Wash temperature: 165 degrees Fahrenheit.
2. Final rinse temperature: 165 degrees Fahrenheit.

(c) Single tank, conveyor machine:

1. Wash temperature: 160 degrees Fahrenheit.
2. Final rinse temperature: 180 degrees Fahrenheit.

(d) Multiple tank, conveyor machine:

1. Wash temperature: 150 degrees Fahrenheit.
2. Pumped rinse temperature: 160 degrees Fahrenheit.
3. Final rinse temperature: 180 degrees Fahrenheit.

(e) Single tank, pot, pan, and utensil washer (either stationary or moving rack):

1. Wash temperature: 140 degrees Fahrenheit.
2. Final rinse temperature: 180 degrees Fahrenheit.

(11) All equipment and utensils shall be air-dried.

Section 19. [18.] Equipment and Utensil Storage. (1) Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination. Spoons, knives, and forks shall be touched only by their handles. Cups, glasses, and bowls shall be handled without contact with inside surfaces or with surfaces that contact the user's mouth.

(2) Cleaned and sanitized utensils and movable equipment shall be stored at least six (6) inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust and other means. The food-contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be placed under exposed sewer or nonpotable water lines. *This requirement does not apply to automatic fire protection sprinkler heads.*

(a) Utensils shall be air-dried before being stored or shall be stored in a self-draining position on suitably located racks.

(b) Wherever practical, stored utensils shall be covered or inverted. Facilities for the storage of spoons, knives, and forks shall be provided and shall be designed to present the handle to the employee or consumer.

(3) If presetting is practiced, all unprotected, unused, preset tableware shall be collected for washing and sanitizing after the meal period; and after any place at a table is occupied.

(4) Single-service articles shall be stored at least six (6) inches above the floor [on clean shelves and] in closed cartons or containers which [that] protect them from contamination.

(a) Single-service articles shall be commercially packaged for individual use or shall be available to the consumer from a dispenser in a way that prevents contamination of surfaces that may contact food or the user's mouth. Handling of single-service articles in bulk shall be conducted in a way that protects them from contamination. *Storage shall not be in toilet rooms or vestibules of toilet rooms nor under nonpotable water lines or exposed sewer lines.*

(b) Single-service articles shall be used only once.

Section 20. [19.] Sanitary Facilities and Controls. (1) *The water supply shall be potable, adequate, and from an approved public supply of a municipality or water district, if available. In the event a public water supply of a municipality or a water district is not available, the supply for a food service establishment shall be developed and approved in accordance with applicable requirements of the Department for Natural Resources and Environmental Protection; provided, however, if a public water supply of a municipality or water district subsequently becomes available, connections shall be made thereto and the private supply shall be discontinued. [Enough potable water for the needs of the food service establishment shall be provided from an approved source and be of safe, sanitary quality.] Hot and cold running water under pressure shall be provided in all areas where food is prepared, or equipment, utensils or containers are washed. Steam used in contact with food or food contact surfaces shall be free from any [unapproved] materials or additives other than those specified in the Code of Federal Regulations, Title 21, Food and Drug Administration Chapter 1, sub-part "D," Specific Usage Additives Section 173.310 Boiler Water Additives.*

(2) *Bottled and packaged potable water shall be obtained from a source that complies with all applicable laws and regulations and shall be handled and stored in a way that protects it from contamination. Bottled and packaged water shall be dispensed from the original containers.*

(3) *All potable water not provided directly by pipe to the food service establishment from the source shall be transported in a bulk water transport system and shall be delivered to a closed water system. Both of these systems shall be constructed of approved materials and operated in accordance with applicable laws and regulations.*

Section 21. [20.] Sewage. All sewage, [and] including liquid waste [matter], shall be disposed of into a public sewerage system, if available. In the event a public sewerage system is not available, disposal shall be made into a private system designed, constructed and operated in accordance with the requirements of the Department for Natural Resources and Environmental Protection and the Department of Housing, Buildings and Construction; provided, however, if a public sewerage system subsequently becomes available, connections shall be made thereto and the private sewerage system shall be disconnected. Only non-water carried disposal methods which have been approved by the department for temporary use shall be used and operation of such facilities shall be in conformance with applicable state laws and regulations.

Section 22. [21.] Plumbing. (1) All plumbing shall be sized, installed, and maintained in accordance with the State Plumbing Code. There shall be no cross-connection between the safe water supply and any unsafe or questionable water supply, or source of pollution through which the safe water supply might become contaminated.

(2) A nonpotable water system is permitted only for purposes such as air-conditioning and fire protection and only if the system is installed according to applicable state laws and regulations and the nonpotable water does not contact, directly or indirectly, food, potable water, equipment that contacts food, or utensils. The piping of any nonpotable water system shall be durably identified so that it is readily distinguishable from piping that carries potable water.

(3) The potable water system shall be installed to preclude the possibility of backflow. Devices to protect against backflow and backsiphonage shall be installed at all fixtures and equipment wherever backflow or backsiphonage may occur. A hose shall not be attached to a faucet unless a backflow prevention device is installed.

(4) If used, grease traps shall be located to be easily accessible for cleaning.

(5) *Except for properly trapped open sinks*, there shall be no direct connection between the sewage system and any drains originating from equipment in which food, portable equipment or utensils are placed.

Section 23. [22.] Toilet Facilities. (1) In existing food service establishments, *adequate* [separate] toilet facilities shall be provided [for both sexes when employed] and shall be so located as to be readily accessible to employees at all times. In new establishments, or establishments that are extensively altered, toilet facilities for each sex shall be provided and readily accessible for the use of both patrons and employees; provided, however, that carry out type food service operations shall be exempted from providing toilet facilities for the use of patrons *and provided further that food service establishments located within malls, shopping centers, or similar facilities shall not be required to provide toilet facilities for patrons if such facilities are available within the mall or shopping center.*

(2) Toilets and urinals shall be designed to be easily cleanable.

(3) Toilet room doors shall be *solid*, tight-fitting, and self-closing, and shall be closed except during cleaning or maintenance. *Doors may be louvered if installed in accordance to the State Fire Marshal's regulations.*

(4) Toilet facilities, including vestibules, if any, shall be kept clean and in good repair and free of objectionable odors. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials, and the receptacles in toilet rooms used by women shall be covered.

Section 24. [23.] Lavatory Facilities. (1) Lavatories shall be installed in accordance with the State Plumbing Code and shall be equipped with hot and cold running water or running water tempered by means of a mixing valve or combination faucet. Steam mixing valves are prohibited. Hand cleansing soap or detergent, and approved sanitary towels or other approved hand drying devices are to be conveniently located at each lavatory. If disposable towels are used, waste receptacles shall be located near the lavatory. Common towels are prohibited.

(2) Lavatories shall be located within or immediately adjacent to all toilet rooms. In all new establishments, and establishments which are extensively altered, lavatories shall [also] be conveniently located within the food preparation area *and dishwashing area*. Sinks used for food preparation or for washing equipment or utensils *shall*[should] not be used for handwashing.

(3) Lavatories, soap dispensers, and hand drying devices and all related facilities shall be kept clean and in good repair.

Section 25. [24.] Garbage and Refuse. (1) Garbage and refuse shall be kept in durable insect-proof and rodent-proof containers that are leakproof and do not absorb liquids. Plastic bags and wet-strength paper bags may be used to line these containers, and may be used for storage inside the food service establishment when protected from insects and rodents.

(2) Containers, compactors, and compactor systems shall be easily cleanable, shall be provided with tight-fitting lids, doors, or covers, and shall be kept covered when not in actual use. Drain plugs, where required, shall be in place at all times, except during cleaning.

(3) There shall be a sufficient number of containers to hold all the garbage and refuse that accumulates.

(4) After being emptied, each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food-preparation areas. *In new establishments*, suitable facilities, including hot water and detergent, shall be provided and used for washing containers. [Liquid waste from compacting or cleaning operations shall be disposed of as sewage.]

(5) The garbage and refuse on the premises shall be stored in a place inaccessible to insects and rodents. Outside storage of plastic bags or wet-strength paper bags or baled units containing garbage or refuse is prohibited. *Cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers.*

(6) Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent, washable materials, shall be kept clean, shall be insect-proof and rodent-proof, and shall be large enough to store the garbage and refuse containers that accumulate.

(7) Outside storage areas or enclosures shall be large enough to store the garbage and refuse containers that accumulate and shall be kept clean. Garbage and refuse containers and compactor systems located outside shall be stored on or above a smooth surface of non-absorbent material, such as concrete or machine-laid asphalt, that is kept clean and maintained in good repair.

(8) Garbage and refuse shall be disposed of often enough to prevent the development of odor and the attraction of insects and rodents.

(9) Where garbage or refuse is burned on the premises, it shall be done by controlled incineration that prevents the escape of particulate matter in accordance with applicable regulations of the Department for Natural Resources and Environmental Protection. Areas around incineration facilities shall be kept clean and orderly.

Section 26. [25.] Insect and Rodent Control. (1) Effective measures intended to eliminate the presence of rodents and flies, roaches, and other insects on the premises shall be utilized. The premises shall be kept in such condition as to prevent the harborage or [of] feeding of insects or rodents.

(2) Openings to the outside shall be effectively protected against the entrance of rodents and shall be protected against the entrance of insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screen doors shall be self-closing, and screens for windows, doors, skylights, transoms, and other openings to the outside shall be tight-fitting and free of breaks. Screening material shall not be less than sixteen (16) mesh to one (1) inch.

Section 27. [26.] Construction and Maintenance of Physical Facilities. (1) The floors of all food preparation,

food storage, and utensil-washing areas, and the floors of all walk-in refrigerators, dressing rooms, locker rooms, and toilet rooms and vestibules shall be constructed of smooth, durable materials such as sealed concrete, terrazzo, ceramic tile, durable grades of linoleum or plastic, or tight wood impregnated with plastic, and shall be maintained in good repair.

(2) Carpeting, if used, shall be properly installed, easily cleanable and maintained in good repair. Carpeting is prohibited in toilet rooms, food preparation areas, and in equipment-washing and utensil-washing areas where it would be exposed to large amounts of grease and water.

(3) Sawdust, wood shavings, peanut hulls, or similar material on the floors in food processing areas is prohibited.

(4) Properly installed floor drains shall be provided in floors that are water flushed for cleaning or that receive discharge of water or other fluid waste from equipment. Such floors shall be constructed of sealed concrete, terrazzo, ceramic tile, or similar material graded to drain all parts of the floor.

(5) The floor of each walk-in refrigerator shall be graded to drain all parts of the floor to the outside through a waste pipe, doorway, or other opening, or equipped with a floor drain.

(6) Mats and duckboards shall be of *nonabsorbent, grease resistant materials* and of such size, materials, design, and construction as to facilitate their being easily cleaned. *Duckboards shall not be used as storage racks.*

(7) *In all new establishments utilizing concrete, terrazzo, ceramic tile or similar material, and where water flush cleaning methods are used, junctures of walls with floors shall be coved and sealed. In all other cases, the junctures between the walls and floors shall not present an open seam of more than one thirty-second (1/32) of an inch.*

(8) Utility service lines and pipes shall not be unnecessarily exposed on floors in food preparation and utensil-washing areas and in toilet rooms. Exposed lines and pipes shall be installed in a way that does not obstruct or prevent cleaning.

(9) Walls and ceilings, including doors, windows, skylights, and similar closures, shall be maintained in good repair.

(10) The walls, including nonsupporting partitions, wall coverings, and ceilings of all food preparation and utensil-washing areas and of toilet rooms shall be smooth, nonabsorbent, and easily cleanable. The use of rough or unfinished building materials such as brick, concrete blocks, wooden beams, or shingles is prohibited in those locations except by special plan approval by the department.

(11) Studs, joists, and rafters shall not be exposed in *walk-in refrigerators, food preparation areas, equipment and utensil washing areas* and in toilet rooms except by special plan approval by the department.

(12) Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in food preparation and utensil washing areas and in toilet rooms. Exposed lines and pipes shall be installed in a way that does not obstruct or prevent cleaning.

(13) Light fixtures, vent covers, wall-mounted fans, decorative materials, and similar equipment attached to walls and ceilings shall be easily cleanable and shall be maintained in good repair.

(14) Covering material such as sheet metal, linoleum, vinyl, and similar materials shall be easily cleanable and nonabsorbent and shall be attached and sealed to the wall and ceiling surfaces so as to leave no open spaces or cracks.

(15) Concrete or pumice blocks used for interior wall construction shall be finished and sealed to provide an easily cleanable surface.

Section 28. [27.] Cleaning Physical Facilities. Floors, mats, duckboards, walls, ceilings, and attached equipment and decorative materials shall be kept clean. Only dustless methods of cleaning floors and walls shall be used, such as vacuum cleaning, wet cleaning, or the use of dust-arresting sweeping compounds with push brooms. All cleaning of floors and walls, except emergency cleaning of floors, shall be done during periods when the least amount of food is exposed, such as after closing or between meals. In new establishments, or establishments that are extensively altered, readily accessible service sinks or *curbed cleaning facilities* shall be provided.

Section 29. [28.] Lighting. (1) At least *thirty (30)* [fifty (50)] foot-candles of *natural or artificial* light shall be provided to all working surfaces and [at least thirty (30) foot-candles of light shall be provided] to all other surfaces and equipment in food preparation, utensil washing, and hand washing areas, and in toilet rooms. At least twenty (20) foot-candles of light at a distance of thirty (30) inches from the floor shall be provided in all *walk-in refrigerators, food storage areas and dining and entry* [other] areas, except that this requirement applies to dining areas only during cleaning operations.

(2) Shielding to protect against broken glass falling into food shall be provided for all artificial lighting fixtures located over, by, or within food storage, preparation, service and display facilities and *facilities where utensils and equipment are cleaned and stored* [; provided, that this requirement shall not apply to heat lamps]. *Shatter-proof bulbs may be approved by the department without further shielding. Heat lamps shall be protected by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.*

Section 30. [29.] Ventilation. (1) All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, smoke and fumes. Ventilation systems shall be installed and operated according to applicable state laws and regulations and, when vented to the outside, shall not create an unsightly, harmful, or unlawful discharge.

(2) Rooms, including toilet room areas, and equipment, from which aerosols, obnoxious odors, or noxious fumes or vapors may originate shall be vented effectively to the outside.

(3) Intake air ducts, if any, shall be designed and maintained to prevent the entrance of dust, dirt, insects and other contaminating materials.

Section 31. [30.] Dressing Areas and Lockers. (1) If employees routinely change clothes within the establishment, areas shall be designated for that purpose. Those areas shall not be located in areas used for food preparation, storage, or service or for utensil-washing or storage, except that a storage room containing only completely packaged food may be so designated.

(2) Enough lockers or other suitable facilities shall be provided and used for the storage of employees' clothing and other belongings. If dressing areas are designated, the lockers or other facilities shall be located within those areas.

Section 32. [31.] Poisonous or Toxic Materials. (1) Only those poisonous or toxic materials required to maintain the establishment in a sanitary condition or required for sanitization of equipment or utensils shall be present in food service establishments.

(2) Containers of poisonous or toxic materials, including insecticides and rodenticides, shall be prominently and distinctly labeled for easy identification of contents.

(3) Poisonous or toxic materials consist of the following three (3) categories:

(a) Pesticides, which include insecticides, rodenticides, herbicides, and fungicides;

(b) Detergents, sanitizers, and related cleaning and drying agents; and

(c) Caustics, acids, polishes and other chemicals.

Each of these three (3) categories shall be stored and located to be physically separated from each other. All poisonous and toxic materials shall be stored in cabinets or in similar physically separated compartments or facilities used for no other purpose. To preclude potential contamination, poisonous or toxic materials shall not be stored above or with food, food equipment, utensils, or single service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at utensil or dishwashing stations. [or in a place other than an area where food is stored, prepared, displayed, or served and other than an area where clean equipment or utensils are stored. Bactericides and cleaning compounds shall not be stored in the same cabinet or area of a room as are insecticides, rodenticides, or other poisonous or toxic materials.]

(4) Bactericides, cleaning compounds, or other compounds intended for use on food-contact surfaces shall not be used in a way that leaves a toxic residue on such surfaces, [n]or in a way that constitutes a hazard to employees [n]or other persons [so stored as to be a potential food adulterant].

(5) Poisonous or toxic materials shall not be used in a way that contaminates food, equipment, or utensils, nor in a way that constitutes a hazard to employees or other persons nor in a way other than in full compliance with the manufacturer's [their] labeling.

(6) Personal medications shall not be stored in food storage, preparation, or service areas.

(7) First-aid supplies shall be stored in a way that prevents them from contaminating food and food contact surfaces.

Section 33. [32.] Premises. (1) Food service establishments and all parts of the property used in connection with operation of the establishment shall be kept free of litter.

(2) The walking and driving surfaces of all exterior areas of food service establishments shall be surfaced[s] with concrete or asphalt or with gravel or similar material effectively treated to facilitate maintenance and to minimize dust. These surfaces shall be drained and shall be kept clean.

(3) Only articles necessary to the operation and maintenance of the food service establishment shall be stored on the premises.

(4) The traffic of unnecessary persons through the food preparation and utensil-washing areas and the presence in those areas of persons not authorized to be there by the permit holder or person in charge is prohibited.

(5) No operation of a food service establishment shall be conducted in any room used as living or sleeping quarters.

A solid self-closing door shall separate food service operations from any living or sleeping area.

(6) No laundry operation shall be conducted, except that linens, uniforms and aprons used in the establishment may be laundered on the premises separate from food preparation and service areas.

(7) Clean cloths and napkins shall be stored in a clean place and protected from contamination until used. Nonabsorbent containers or washable laundry bags shall be provided and damp or soiled linens and cloths shall be kept in them until removed for laundering.

(8) Maintenance and cleaning materials and equipment shall be maintained and stored in a way that does not contaminate food, utensils, equipment, or linen storage.

(9) Live animals, including birds and turtles, shall be excluded from all food service establishments and from areas adjacent to serving areas that are under the control of the permit holder. The exclusion does not apply to edible crustacea, shellfish, or fish, nor to fish in aquariums. Escorted police patrol dogs or guide dogs accompanying blind persons shall be permitted in dining areas.

Section 34. [33.] Mobile Food Units or Pushcarts. (1) Mobile units or pushcarts shall comply with the requirements of this regulation, except as otherwise provided in this subsection and in subsection (2) of this section. The department may impose additional requirements to protect against health hazards related to the conduct of the food service establishment as a mobile or pushcart operation, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of this regulation relating to physical facilities, except those requirements of subsections (4) and (5) of this section and Sections 35 [34] and 36 [35].

(2) A mobile unit or pushcart that serves only food that was prepared, packaged in individual servings, transported, and stored under conditions meeting the requirements of this regulation or beverages that are not potentially hazardous and are dispensed from protected equipment need not comply with requirements of this regulation pertaining to the necessity of water and sewage systems nor to those requirements pertaining to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exists at its commissary; however, frankfurters may be prepared and served from these units or pushcarts.

(3) Mobile food units or pushcarts shall provide only single-service articles for use by the consumer.

(4) A mobile food unit requiring a water system shall have a potable water system under pressure. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning[,] and sanitization, and handwashing, in accordance with the requirements of this regulation. The water inlet shall be located in such a position that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed according to the State Plumbing Code.

(5) If liquid waste results from operation of a mobile food unit it shall be stored in permanently installed retention tanks that are at least fifty (50) percent larger than the water supply tank. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to

the food unit. The waste connection shall be located below the water connection to preclude contamination of the potable water system.

Section 35. [34.] Commissary. Mobile food units or pushcarts shall operate from a commissary or other fixed food service establishment that is constructed and operated in compliance with this regulation;[.] *provided, however, mobile food service units equipped with a potable water supply sytem under pressure, liquid waste system retention tanks, sinks, lavatories, etc., shall not be required to operate from a commissary or other fixed food service establishment.*

Section 36. [35.] Mobile Food Unit or Pushcart Servicing Area and Operations. (1) Potable water servicing equipment shall be stored and handled in a way that protects the water and equipment from contamination.

(2) The mobile food unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. The flushing and draining area for liquid wastes shall be separate from the area used for loading and unloading of food and related supplies. All sewage and waste matter shall be disposed of into a public sewerage system, if available. In the event a public sewerage system is not available, disposal shall be made into a private system designed, constructed and operated in accordance with the requirements of the Department for Natural Resources and Environmental Protection and the Department of Housing, Buildings and Construction; provided, however, if a public sewerage system subsequently becomes available, connection shall be made thereto and the establishment sewerage system shall be disconnected.

Section 37. [36.] Temporary Food Service Establishment. (1) A temporary food service establishment shall comply with the requirements of this regulation, except as otherwise provided in this section. The department may impose additional requirements to protect against health hazards related to the conduct of the temporary food service establishment, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of this regulation, except those requirements of subsections (2) to (10) of this section.

(2) Only those potentially hazardous foods requiring limited preparation, such as hamburgers and frankfurters, which require seasoning and cooking, shall be prepared or served. The preparation or service of other potentially hazardous foods, including pastries filled with cream or synthetic cream, custards, and similar products, and salads or sandwiches containing meat, poultry, eggs, or fish is prohibited. This prohibition does not apply, however, to any potentially hazardous food that is obtained in individual servings, is stored at a temperature of forty-five (45) degrees Fahrenheit or below, or at a temperature of 140 degrees Fahrenheit or above, and is served directly in the unopened container in which it was packaged.

(3) Ice that is consumed or that contacts food shall have been made under conditions meeting the requirements of this regulation. The ice shall be obtained only in chipped, crushed, or cubed form and in single-use foodgrade plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice shall be held in these bags until used, and when used, it shall be dispensed in a way that protects it from contamination.

(4) Equipment shall be located and installed in a way that facilitates cleaning the establishment and that prevents

food contamination. Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Where necessary to prevent contamination, effective shields for such equipment shall be provided.

(5) Enough potable water shall be available in the establishment for cleaning and sanitizing utensils and equipment and for handwashing. Enough hot water for these purposes shall be provided.

(6) The storage of packaged food in contact with water or undrained ice is prohibited, except that cans or bottles of nonpotentially hazardous beverages may be so stored when the water contains at least fifty (50) parts per million of available chlorine and is changed often enough to keep both the water and containers clean.

(7) Liquid waste shall be disposed of in such a manner as not to create a public health hazard or nuisance.

(8) A facility shall be provided for employee handwashing. Where water under pressure is unavailable, such facility shall consist of a pan, warm water, hand cleanser, and individual paper towels.

(9) Floors shall be made of concrete, tight wood, asphalt, or other similar cleanable material, except that dirt or gravel floors may be used if graded to preclude the accumulation of liquids and covered with removable, cleanable platforms or duckboards.

(10) Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects. Ceilings shall be made of wood, canvas, or other material that protects the interior of the establishment from the weather. Screening material used for walls shall be at least sixteen (16) mesh to the inch. Counter service openings shall not be larger than is necessary for the particular operation conducted. When flies are prevalent, counter-service openings shall be provided with tight-fitting solid or screened doors or windows or shall be provided with fans installed and operated to restrict the entrance of flying insects. Doors and windows, if any, shall be kept closed, except when food is being served.

Section 38. [37.] Plan Review of Future Construction. When a food service establishment is hereafter constructed or extensively remodeled, or *plumbing relocated, or additional plumbing added*, or when an existing structure is converted for use as a food service establishment, properly prepared plans and specifications for such construction, remodeling, or alteration, showing layout, arrangements, size, location and type of facilities and a plumbing riser diagram shall be submitted to the department for approval before such work is begun.

Section 39. [38.] Procedure When Infection is Suspected. When the department has reasonable cause to suspect possibility of disease transmission from any food service establishment employee, it may secure a morbidity history of the suspected employee or make any other investigation as may be indicated and shall take appropriate action. The department may require any or all of the following measures:

(1) The immediate exclusion of the employee from all food service establishments;

(2) The immediate closing of the food service establishment concerned until, in the opinion of the department, no further danger of disease outbreak exists;

(3) Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease;

(4) Adequate medical and laboratory examinations of the employee, of other employees, and of his and their body discharges.

Section 40. [39.] Enforcement Provisions. (1) Whenever the department has substantial reason to believe that an imminent public health hazard exists, or whenever the permit holder or an authorized agent thereof has interfered with the department in the performance of its duties, [and] after its agents have duly and officially identified themselves, *or if an inspection of an establishment reveals a rating score of less than sixty (60),* the permit shall be suspended immediately upon notice to the permit holder without a hearing. In such event, the permit holder may request a hearing which shall be granted as soon as practical, *or in any event not to exceed seven (7) days.*

(2) In all other instances of violation of the provisions of this regulation the department shall serve upon the holder of the permit a written notice specifying the violations and afford the holder a reasonable opportunity to correct same. Whenever a permit holder or operator has failed to comply with any written notice issued under the provisions of this regulation, *the department may suspend the permit, provided that the permit holder or operator is [may] [shall be] notified in writing that the permit shall be suspended at the end of five (5) days following service of such notice, unless a written request for a hearing is filed with the department, by the permit holder, within such five (5) day period.*

(3) Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within *seven (7) [ten (10)]* days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the department shall make a reinspection. *If the reinspection reveals that the conditions causing suspension of the permit have been corrected, [food service establishment is in compliance with the requirements of this regulation,] the permit shall be reinstated.*

(4) For serious or repeated violations of any of the requirements of this regulation, or for interference with the department in the performance of its duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the department. Prior to such action, the department shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five (5) days following service of such notice, unless a request for a hearing is filed with the department, by the permit holder, within such five (5) day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

(5) Notices provided for under this regulation shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the permit holder.

(6) The hearings provided for in this regulation shall be conducted by the department at a time and place designated by it. Based upon the record of such hearing, the department shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A transcript of the hearing need not be made unless the interested party assumes the costs thereof

and a request is made therefor at the time a hearing is requested.

(7) At least once every six (6) months, the department shall inspect each food service establishment and shall make as many additional inspections and reinspections as are necessary for the enforcement of this regulation.

(8) Whenever an inspection is made of a food service establishment, the findings shall be recorded on the inspection report form provided for that purpose, and shall constitute a written notice to the permit holder. The original of the inspection report shall be furnished to the permit holder or person in charge. The inspection report form shall summarize the requirements of this regulation and shall set forth a weighted point value for each requirement. The rating score of the establishment shall be the total of the weighted point value for all violations, subtracted from 100.

(9) The inspection report form shall specify a specific and reasonable period of time for the correction of the violations found, and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:

(a) When the rating score of the establishment is eighty-five (85) or more, all violations of one (1) or two (2) point weighted items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection.

(b) When the rating score of the establishment is at least seventy (70) but not more than eighty-four (84), all violations of one (1) or two (2) point weighted items shall be corrected as soon as possible, but in any event, within a period not to exceed thirty (30) days.

(c) Regardless of the rating score of the establishment, all violations of four (4) or five (5) point weighted items shall be corrected within a time specified by the department but in any event, not to exceed ten (10) days.

(d) When the rating score of the establishment is less than seventy (70), the establishment shall be issued a notice of intent to suspend the permit. The permit shall be suspended within five (5) days after receipt of such notice unless a written request for a hearing is filed with the department, by the permit holder, within such five (5) day period.

(e) In the case of temporary food service establishments, all violations shall be corrected within a specified period of time not to exceed twenty-four (24) hours. If violations are not so corrected, the permit shall be immediately suspended. In such event the permit holder may request a hearing which shall be granted as soon as practical.

(f) The report of inspection shall state that failure to comply with any time limits for corrections shall result in suspension of permit and that an opportunity for appeal from any notice or inspection findings will be provided if a written request for hearing is filed within five (5) days. If a request for hearing is received, a hearing shall be held at a time and place designated by the department.

(g) Whenever a food service establishment is required under the provisions of this regulation to cease operations, it shall not resume operations until such time as a reinspection determines that conditions responsible for the requirement to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time, *but in no event to exceed seven (7) days.*

Section 41. [40.] Examination and Detention of Foods. The department may examine and collect samples of foods as often as necessary for the enforcement of this regulation. The department shall, upon written notice to the per-

mit holder or authorized agent specifying the reason therefor, place under quarantine any food which it has probable cause to believe is adulterated or misbranded within the meaning of the Kentucky Food, Drug and Cosmetic Act, KRS 217.005 to 217.215 and 217.992.

W. GRADY STUMBO, Secretary

ADOPTED: March 18, 1980

RECEIVED BY LRC: March 28, 1980 at 2:30 p.m.

Proposed Amendments

SECRETARY OF THE CABINET Department of Personnel (Proposed Amendment)

101 KAR 1:050. Compensation plan.

RELATES TO: KRS 18.170, 18.190, 18.210, 18.240

PURSUANT TO: KRS 13.082, 18.170, 18.210

NECESSITY AND FUNCTION: KRS 18.210 requires the Commissioner of Personnel to prepare and submit to the board rules which provide for a pay plan for all employees in the classified service, taking into account such factors as the relative level of duties and responsibilities of various classes, rates paid for comparable positions elsewhere, and the state's financial resources. This rule is to assure uniformity and equity in administration of the pay plan in accordance with statutory requirements.

Section 1. Preparation, Approval, and Amendment of the Plan. After consultation with appointing authorities and the Secretary of the [Executive] Department for Finance [and Administration], the commissioner shall prepare and recommend to the board a compensation plan for all classes of position. The board shall present the plan, through the Secretary of the [Executive] Department for Finance [and Administration], to the Governor for his approval. The plan shall provide salary ranges for the various classes, with the salaries consistent with the functions outlined in the classification plan. Such salary ranges shall include minimum, intervening, and maximum[, and longevity] rates of pay for each class. Each class of position in the classification plan shall be assigned to a salary range in the compensation plan.

Section 2. Entrance Salary. Initial appointments to state service shall be made at the minimum of the pay range for the class unless:

(1) The commissioner determines that it is not possible to recruit qualified employees at the established entrance salary in a specific area, in which case, he may, at the request of the appointing authority, authorize the recruitment for a class of position at a higher step of the range, provided that all other employees in the same class of position in the same agency in the same locality are adjusted in salary to the same step.

(2) The commissioner authorizes the appointment of a qualified applicant at the second or third step of the range,

provided that any such exception is based on the outstanding and unusual character of the employee's experience, education and ability over and above the minimum qualifications specified for the class, provided that all other employees possessing similar qualifications in the same class of position in the same agency in the same locality are adjusted in salary to the same step.

Section 3. Re-entrance to State Service. Appointing authorities, with the approval of the commissioner, may place re-employed, reinstated and probationarily appointed former employees at a salary determined by one (1) of the following methods:

(1) The same class:

(a) Request the same salary that was paid at the time of separation if such salary is within the current salary range;

(b) Request a salary relative to that which was paid employee at time of separation (original salary plus increases resulting from a change of salary range) if such salary is within the current salary range;

(c) Request a lower salary within the current salary range which falls in one (1) of the steps within the salary range;

(d) Request a salary in accordance with the standards used for making new appointments.

(2) A higher class:

(a) Request the same salary that was paid at the time of separation if such salary is within the higher salary range;

(b) Request a salary relative to that which was paid the employee at time of separation (original salary plus increases resulting from a change of salary range) if such salary is within the higher salary range;

(c) Request a salary in accordance with the standards used for making new appointments.

(3) A lower class:

(a) Request the same salary that was paid at the time of separation if such salary is within the lower salary range;

(b) Request a salary relative to that which was paid the employee at the time of separation (original salary plus increases resulting from the change of salary range) if such salary is within the lower salary range;

(c) Request a salary in accordance with the standards used for making new appointments.

Section 4. Salary Adjustments. (1) Change in salary range. Whenever a new or different salary range is made applicable to a class of position, persons employed in posi-

tions of that class at the effective date of the change in salary range shall have their salary placed at least at the minimum salary step of the new range. In no event shall the employee's salary be placed at a step which provides a salary rate less than the employee was receiving prior to the change in the salary range. An adjustment may be made to the salary step of the new range corresponding to that step which an employee held under the range formerly applicable to his class of position. In cases where a change in the salary range applicable to a particular class of position provides a maximum salary increase of one (1) step, persons employed in that class of position may have their salary adjusted to the step of the new salary range which would provide a two (2) step salary increase. Salary adjustments resulting from different salary ranges being made applicable to a class of position shall not affect an employee's normal anniversary increment date.

(2) *Promotion.* An employee who is promoted may have his salary raised to the lowest step of the salary range for the class of his new position which will provide an increase over the salary received prior to promotion. If the promotion is to a classification which constitutes an unusual increase in the level of responsibility, the appointing authority, with the prior written approval of the commissioner, may grant a two (2) or three (3) step salary increase over the employee's previous salary, provided the proposed salary is within the salary range for the position.

(3) *Demotion.* An employee who is demoted shall have his salary reduced to a rate which is in the grade for the new class[, excluding longevity steps]; this rate shall not exceed the rate which the employee was receiving prior to the demotion. [If an employee whose performance is satisfactory is demoted through no fault of his own as a result of the reallocation of his position to a lower class and his salary is above the maximum rate for this class, he may retain the salary he received before the reallocation, but he shall not receive salary advancements so long as he remains in a position with a maximum rate no higher than this salary.]

(4) *Transfer.* An employee who is transferred to the same class of position shall be paid the same salary that he received prior to transfer.

(5) *Reclassification.* An employee who is advanced to a higher pay grade through a reclassification of his position shall have his salary raised to the lowest step of the salary range for the class which will provide an increase over the salary received prior to the advancement. *An employee who is reduced to a lower pay grade through a reclassification of his position shall receive the same salary he was receiving prior to reclassification, provided that such salary is within the salary range of the lower pay grade.*

(6) *Reallocation.* An employee who is advanced to a higher pay grade through a reallocation of his position may [shall] have his salary raised to the lowest step of the salary range for the class which will provide an increase over the salary received prior to the advancement. *An employee who is reduced to a lower pay grade through a reallocation of his position shall receive the same salary he was receiving prior to reallocation, provided that such salary is within the salary range of the lower pay grade.*

(7) *Detail to special duty.* An employee who is approved for detail to special duty as provided by 101 KAR 1:110, Section 4, may have his salary raised to the lowest step of the salary range for the class of the new position which will provide an increase over the salary received prior to the detailed assignment. Annual increments will not be permitted while an employee is on detail to special duty.

(8) *Salary reduction.* Employees who are transferred back to their old class, after completion of a detail assign-

ment or unsatisfactory completion of a probationary period following a promotion, shall have their salary reduced to the salary rate received prior to the detail assignment or promotion. An employee who reverts back to his old class after a detail to special duty is entitled to all salary advancements he would have received had he not been on detail to special duty.

Section 5. Salary Advancements. (1) [Annual increments shall be based upon length of service, and shall correspond with the steps of the approved salary range, and shall, in the classified service, be limited to full-time employees having status and those part-time employees having status who work at least 100 hours a month. Employees who are on educational leave with pay shall receive annual increments.

(2) *Probationary increments.* Full-time employees and those part-time employees who work at least 100 hours a month shall be eligible and may be given consideration by the appointing authority for a one (1) step salary advancement at the beginning of any month following the successful completion of the probationary period. The service may be provisional or probationary. In no case shall the period for awarding a one (1) step salary advancement exceed twelve (12) months' [continuous] service from the date the probationary period began. [Thereafter, an employee shall be given a one (1) step salary advancement at the beginning of the month following completion of twelve (12) months continuous service since last receiving an annual or probationary increment. In computing continuous service for the purpose of determining annual increment eligibility only those months for which an employee earned annual leave or was on educational leave with pay shall be used.] Former employees reinstated, re-employed or probationarily appointed to the same class or a lower class in the same class series in which they formerly served may not be given a salary advancement for the successful completion of a probationary period resulting from such reinstatement, re-employment or probationary appointment except as provided in paragraphs (a) or (b).

(a) Former employees reinstated, re-employed or probationarily appointed to a lower salary shall be eligible for a one (1) step salary advancement at the beginning of any month following successful completion of a probationary period.

(b) A former employee reinstated, re-employed, or probationarily appointed at the same or higher salary may be considered for a one (1) step salary advancement when he has completed twelve (12) months' service since the date he last received a probationary or annual increment. However, a maximum of six (6) months of that twelve (12) months' service may have been earned during the last period of service in which he held status.

(c) In no case shall the period for awarding a one (1) step salary advancement exceed twelve (12) months' continuous service from the date of reinstatement, re-employment or probationary appointment.]

(2) *Annual increments.* Annual increments shall be based upon length of service, and shall correspond with the steps of the approved salary range, and shall be limited to full-time employees having status and those part-time employees having status who work at least 100 hours a month. Employees who are on educational leave with pay shall receive annual increments. After an employee has been awarded a one (1) step salary advancement in accordance with subsection (1), an employee shall be given a one (1) step salary advancement at the beginning of the month following completion of twelve (12) months service since last receiving an annual or probationary increment.

(3) *Service computation.* In computing service for the purpose of determining annual increment eligibility for full-time employees, only those months for which an employee earned annual leave or was on educational leave with pay shall be used. In computing service for the purpose of determining annual increment eligibility for part-time employees, only those months in which an employee worked at least 100 hours a month or was on educational leave with pay shall be used. In those cases where an employee is changed from part-time to full-time, part-time service which would be counted in determining increment eligibility for a part-time employee shall be counted in determining increment eligibility as a full-time employee. In those cases where an employee is changed from full-time to part-time, full-time service which would be counted in determining increment eligibility for a full-time employee shall be counted in determining increment eligibility as a part-time employee.

(4) [(3)] *Outstanding merit increment.* Any permanent full-time employee who has served [continuously] for one (1) year immediately preceding the recommendation and who has not received an outstanding merit advancement within twelve (12) months, is eligible for a one (1) step outstanding merit advancement in his present grade in addition to any other salary advancements to which he might be entitled if:

(a) His acts or ideas have resulted in significant financial savings to the Commonwealth, or to a significant improvement in service to its citizens; or

(b) His job performance is outstanding. The appointing agency must submit written justification to the commissioner and the personnel action form must be approved by the agency head and the commissioner to be effective. In a fiscal year, an agency with sufficient budgeted funds may grant as many outstanding merit salary advancements as thirty (30) percent of the number of its employees at the close of the prior fiscal year.

(5) [(4)] *Educational achievement increment.* Subject to the approval of the commissioner, any permanent, full-time employee who, after his probationary period, satisfactorily completes 260 classroom hours of job-related instruction, is eligible for an educational achievement one (1) step salary advancement.

(6) [(5)] Increment anniversary dates will be established when an employee receives a probationary or annual increment or when an employee receives an increase in salary as a result of a promotion.

(7) [(6)] Increment anniversary dates will not change when:

(a) An employee's position class receives a new or different salary range;

(b) An employee receives a salary adjustment as a result of his position being reallocated or reclassified;

(c) An employee is transferred from one department to another in the same salary grade and at the same rate of pay;

(d) An employee receives a demotion to a position of a lower class or his position receives a lower classification;

(e) An employee is approved for detail to special duty as provided by 101 KAR 1:110, Section 4. The increment anniversary date will remain the same for the last position in which the employee had status;

(f) An employee receives an outstanding merit salary advancement under subsection (4) [(3)], or an educational achievement salary advancement under subsection (5) [(4)];

(g) An employee receives an adjusted increment based on the fact that the employee had not received the maximum number of salary advancements permitted.

(8) [(7)] An employee who has not received the maximum number of salary advancements permitted by the time limits set forth may be given additional salary advancements at the beginning of any month provided his salary is not advanced to a step of the salary range higher than he would have reached had he received all salary advancements permitted.

(9) [(8)] No employee shall have his salary advanced to a point above the maximum of the salary range applicable to the class of his position except as provided by [101 KAR 1:050, Section 5(3), (4), and 101 KAR 1:050,] Section 6.

Section 6. Continuous Service Award. An employee shall be given a continuous service award of five (5) percent of his current annual salary rate after each completion of twelve (12) months service in the last step of the salary range for his class. The five (5) percent continuous service award shall be in a lump sum payment. The service shall be computed in accordance with Section 5(3). [Longevity Increases. (1) All salary advancements within the longevity plan shall be based upon length of service, and shall correspond with the steps of the approved salary range, and shall, in the classified service, be limited to full-time employees having status and those part-time employees having status who work at least 100 hours a month.]

[(2) An employee shall be eligible and may be advanced, with the approval of the appointing authority, to the first longevity step after completion of twelve (12) months service at the salary rate or step preceding the first longevity step.]

[(3) An employee shall be eligible and may be advanced, with the approval of the appointing authority, to the next longevity step after completion of twelve (12) months service at the salary rate or step preceding that longevity step.]

[(4) Requirements as to service. The service does not have to be continuous. In computing service for the purpose of determining longevity eligibility only those months for which an employee earned annual leave or was on educational leave with pay shall be used. In computing service for the purpose of determining longevity eligibility for part-time employees, only those months in which the employee worked at least 100 hours shall be used. Former employees who have been rehired and who had been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except where such dismissal resulted from a violation of KRS 18.310, 18.320, or 18.990.]

[(5) The longevity steps may be used for promotions, demotions, and changes in pay grade with the approval of the appointing authority and the Commissioner of Personnel.]

Section 7. Paid Overtime. Overtime for which pay is authorized shall have the approval of the Commissioner of Personnel and the Secretary of the [Executive] Department for Finance [and Administration].

Section 8. Maintenance and Maintenance Allowance. In each case where an employee or the employee and his family are provided with full or part maintenance, consisting of one (1) or more meals per day, lodging or living quarters, and domestic or other personal services, such compensation in kind shall be treated as part payment and its value shall be deducted from the appropriate salary rate in accordance with the schedule promulgated by the commissioner after consultation with appointing authorities and the Secretary of the [Executive] Department for Finance [and Administration].

Section 9. Supplemental Shift Premium. Upon request of the appointing authority, the commissioner may authorize the payment of a supplemental shift premium for those employees directed to work an evening or night shift. However, no employee shall receive a supplemental shift premium subsequent to a transfer to a position that is ineligible for a shift differential premium payment. The employee's loss of shift differential pay shall not be a basis for an appeal to the Personnel Board.

PHILIP TALIAFERRO, Chairman
DICK ROBINSON, Commissioner

ADOPTED: May 13, 1980

RECEIVED BY LRC: May 13, 1980 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Commissioner Dick Robinson, Department of Personnel, Room 373, New Capitol Annex Building, Frankfort, Kentucky 40601.

Effective: July 2, 1980

DEPARTMENT OF FINANCE
Division of Occupations and Professions
Board of Nursing
(Proposed Amendment)

201 KAR 20:110. *Endorsement* [Reciprocity from other states].

RELATES TO: KRS 314.041(4), [(3)] 314.051(5)

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: To assure that licensed nurses applying for licensure in Kentucky have met equivalent standards required of graduates of Kentucky schools. To provide some security in the endorsement process.

Section 1. (1) *The applicant shall complete and submit the application and necessary information for licensure in Kentucky.*

(2) [(1)] The applicant for a Kentucky license shall have and submit a copy of a current *active* license to practice in another state.

(3) [(2)] The applicant shall have taken a licensure examination acceptable to the Kentucky Board of Nursing and shall have achieved a passing score equivalent to Kentucky requirements.

(4) [(3)] The application for licensure shall have attached a recent (within past six (6) months) passport type photograph. The photograph shall be signed *on the front* under the facial features.

(5) [(4)] The current fee for a license shall be submitted with the application. [An additional fee is required if a temporary work permit is requested.]

(6) *The applicant who has been actively engaged in nursing practice for at least one (1) year during the preceding five (5) years shall submit evidence from the employer(s) with the application to verify such active practice.*

(7) *The applicant who has not been actively engaged in nursing practice for at least one (1) year during the preceding five (5) years shall complete the continuing education requirements for relicensure for the current year and in addition shall complete one (1) of the following:*

(a) *Fifteen (15) contact hours in continuing education in nursing.*

(b) *A board approved refresher course.*

GAYNOR E. HATFIELD, R.N., President

ADOPTED: February 7, 1980

RECEIVED BY LRC: April 24, 1980 at 10:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Sharon M. Weisenbeck, R.N., Executive Director, Kentucky Board of Nursing, 4010 Dupont Cr.-Suite 430, Louisville, Ky. 40207

DEPARTMENT OF FINANCE
Division of Occupations and Professions
Board for Proprietary Education
(Proposed Amendment)

201 KAR 24:010. License fees.

RELATES TO: KRS 165A.350(3), 165A.360(2), 165A.380

PURSUANT TO: KRS 165A.340(3)

NECESSITY AND FUNCTION: KRS 165A.350(3) requires the Board for Proprietary Education to establish fees and other charges necessary for the conduct of its business. This regulation establishes license fees covering both original and renewal applications from resident proprietary schools, [and] agents of either resident or non-resident proprietary schools operating in Kentucky, and registration of non-resident proprietary schools and seminars.

Section 1. Annual License Fees. (1) Annual license fees for resident proprietary schools shall be based on "net tuition income" (defined as gross tuitions less refunds) on the following scale:

Net Tuition Income	Annual License Fee
Up to and including \$50,000	\$100 [\$50]
For each \$10,000 over \$50,000	\$10
Maximum License Fee	\$1,000

(2) All agents' permit fees shall be \$100 annually.

(3) *Registration fee of non-resident schools and non-resident seminars shall be \$200 annually.* [The board may direct pro-rata computation of the first year's fees under this new schedule in order to conform to the licensing year as prescribed in KRS 165A.360(8), thereafter annual license fees shall cover the school year beginning July 1 and ending June 30 following.]

(4) *All fees collected are non-refundable and shall cover the school year beginning July 1 and ending June 30 following.*

JOSEPH E. HURN, Chairman

ADOPTED: April 18, 1980

RECEIVED BY LRC: May 5, 1980 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: James R. McGown, Executive Director, State Board for Proprietary Education, Suite 169, Professional Tower, 4010 Dupont Circle, Louisville, Kentucky 40207.

DEPARTMENT OF TRANSPORTATION
Office of Transportation Planning
(Proposed Amendment)

602 KAR 15:010. Airport development loans.

RELATES TO: KRS 183.200 to 183.213

PURSUANT TO: KRS 13.082, 183.024, 183.213

NECESSITY AND FUNCTION: KRS 183.213 provides that the department shall promulgate regulations governing airport loans made under KRS 183.200 to 183.213 and this regulation is promulgated in compliance with said statute. *The purpose of this amendment is to raise the interest rate on airport development loans from five (5) percent to eight (8) percent because the current short-term interest yield to the Commonwealth of Kentucky is twelve (12) to thirteen (13) percent. The intent of this increase is to maintain the department on a "break-even" basis and not to make a profit.*

Section 1. Definition. "Airport development loan" means a loan authorized by KRS 183.200 to 183.213 and regulations promulgated thereunder.

Section 2. An airport board that seeks an airport development loan shall file an original and two (2) copies of an application with the Director, Division of Aeronautics and Airport Zoning, Frankfort, Kentucky 40601.

Section 3. Content of Application. The following information and exhibits shall be included in the application.

(1) Name and address of the airport board.

(2) The amount of airport development loan requested from the department.

(3) The description of the proposed airport project by attaching an exhibit showing an engineer's plat of the site boundaries with the planned location or improvement of airstrips, facilities, servicing utilities, access roads and total acreage indicated thereon.

(4) An exhibit showing the ownership and encumbrances on the land described in subsection (3) of this section.

(5) An exhibit stating the itemized detail cost or estimated cost of the land and all proposed improvements, the engineering and legal expenses, and any other expenses necessary to the determination of the cost of the airport project.

(6) An exhibit that states the method and amount of financing for the proposed project including federal, state and local participants with the percentage of the total project cost contributed by each. This exhibit shall show evidence of the availability of funds from each source; the proposed terms of an airport development loan and schedule of repayment; the percentage of the total project cost to be covered by an airport development loan; and evidence that funds are not available in the amount necessary to establish the project without an airport development loan.

(7) An exhibit with documentation of the financial standing of the airport board in the form of a current financial statement containing a full disclosure of all assets, liabilities, and income.

(8) A statement when the proceeds of the loan will be needed and a proposed schedule for site acquisition or development.

Section 4. The rate of interest to be charged on an airport development loan shall be *eight (8)* [four (4)] percent

per annum on all loans made pursuant to application on file *at the effective date of this amendment and thereafter* [prior to December 31, 1975 and at a rate of interest of five (5) percent per annum on loans made to airport boards that file applications after December 31, 1975].

Section 5. Determination Standards. Standards for determining the soundness and feasibility of projects shall be as follows:

(1) Whether funds for the project can be obtained from federal, local or other sources, or

(2) Whether the proceeds for the loan are to be expended for initial construction of an airport facility or the improvement of the safety or adequacy of an existing airport facility, or

(3) Whether the airport development project will generate adequate revenue to repay the loan, or

(4) Whether the airport master plan demonstrates that such facilities are needed to enable the airport to give better service to the aircraft operators anticipated to use the airport facility.

Section 6. Terms of Loan. The airport development loan agreement entered into between the airport board and the department shall have the following terms in addition to those stated in KRS 183.210.

(1) That the principal amount loaned shall be repaid to the department in annual installments plus accrued interest or as otherwise provided in the agreement.

(2) That the first installment payment shall be due within one (1) year after the proceeds of the loan are paid to the airport board.

(3) That the airport board may repay any or all of the unpaid balance without penalty provided that the interest shall be computed to the date said advance repayment is made.

(4) That all payments on principal and interest shall be made to the office of the Director, Division of Aeronautics and Airport Zoning, or as otherwise provided in the agreement.

(5) That the loan shall be used by the airport board for the purpose stated in the application and for no other purpose.

(6) The agreement may contain any other terms agreed upon by the airport board and the department.

ED LaFONTE, Director

ADOPTED: April 17, 1980

APPROVED: FRANK E. METTS, Secretary

RECEIVED BY LRC: April 25, 1980 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Director, Division of Aeronautics, 419 Ann Street,
Frankfort, Kentucky 40622

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
(Proposed Amendment)

702 KAR 3:045. Withholding funds.

RELATES TO: KRS 156.160

PURSUANT TO: KRS 13.082, 156.030, 156.070,
[156.130,] 156.160

NECESSITY AND FUNCTION: To insure that all reports and documents are filed as required.

Section 1. The Superintendent of Public Instruction shall be authorized to withhold state funds from any school district *in* [of] the state which fails, *after written notification*, to file or to have on file in the *within fifteen (15) days in the* Department of Education any and all reports as required by the statutes or the rules and regulations of the *State Board for Elementary and Secondary Education*. [State Board of Education until delinquent reports have been received.]

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: April 15, 1980

RECEIVED BY LRC: May 14, 1980 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
(Proposed Amendment)

702 KAR 3:130. Internal accounting.

RELATES TO: KRS 156.070

PURSUANT TO: KRS 13.082, 156.070, 156.160, 156.200

NECESSITY AND FUNCTION: To establish uniform procedures for the accounting of school activity funds.

Section 1. Internal accounts shall be defined as all funds derived from fund raising activities sponsored under the auspices of the school except that funds raised *or received* by organizations which do not come under the direct supervision of school authorities shall not be considered internal accounts.

Section 2. The *district board of education shall have the responsibility for administration and control of all internal accounts* [basic responsibility for administration and control of internal accounts shall rest with the district board of education].

Section 3. The district board of education *shall develop* [in delegating the responsibility of accounting for school activity funds shall direct the superintendent to develop] accounting procedures consistent with those set out in the Department of Education's Manual, "A Uniform Program of Accounting for School Activity Funds in Kentucky Schools," Bureau of Administration and Finance for Local School Systems, August 1, 1978, a copy of which is made a part of these regulations by reference and may be obtained from the Superintendent of Public Instruction.

Section 4. Internal accounts shall be audited annually:

(1) High school activity fund accounts shall be audited by a Certified Public Accountant.

(2) The high school activity fund account for the purpose of making the audit shall be defined as follows:

- (a) Schools with grade ranges of 10 through 12.
- (b) Schools with grade ranges of 9 through 12.
- (c) Schools with grade ranges of 7 through 12.
- (d) Schools with grade ranges of 1 through 12.

(3) Activity fund accounts other than high school accounts shall be audited either by a Certified Public Accountant or a select committee approved by the board of education. The committee shall be composed of central office staff, principals, teachers or citizens who are not employees of the board.

(4) If an audit committee is selected by the board of education, the names and titles of the committee members shall be submitted to the Superintendent of Public Instruction for approval prior to the date of the audit.

(5) *The audit report shall be reviewed and accepted by the local board. All recommendations and exceptions listed in the audit shall be reviewed by the Department of Education's accounts examiner and a report made to the district board of education and the Superintendent of Public Instruction.* [Two (2) copies of the audit reports of all internal accounts shall be made.] A copy of the audit report shall be on file in both the office of the principal and the office of the superintendent of the local school district where they shall be open for public inspection.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: April 15, 1980

RECEIVED BY LRC: May 14, 1980 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
(Proposed Amendment)

703 KAR 2:010. Terms and months.

RELATES TO: KRS 158.060, 158.070

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation is necessary for efficient management, control and operation of schools and to insure uniformity in the school term, [and] month and day in all approved schools of the state.

Section 1. The minimum school term of 185 days *with a minimum six (6) hour day* shall consist of nine (9) twenty (20) day school months and one (1) partial school month of five (5) days. Schools shall be in session a *minimum of six (6) hours* on each of these days *except as otherwise provided by KRS 158.060, 158.070 and regulations of the State Board for Elementary and Secondary Education.* [excepting days on which schools are dismissed to observe holidays or for teachers to attend professional meetings within limits of State Board for Elementary and Secondary Education regulations.]

Section 2. Days dismissed to observe holidays or for teachers to attend professional meetings within limits of

the State Board for Elementary and Secondary Education regulations shall be counted as school days and included in the school month.

Section 3. *If a school district has adopted an extended school day before emergency, the time in excess of the minimum school day may, with the approval of the State Board for Elementary and Secondary Education, be used to make up days missed as a result of emergency.* [If a school district has been properly approved and accumulated days prior to an emergency as provided by KRS 158.060, these days may be recorded in the pupil attendance records as "make-up" days on the date or dates the emergency occurs.] If the school day is extended after the emergency occurs, the words "make-up" shall be written in the attendance records as the days are accumulated. "Make-up" days shall be used for the purpose of meeting requirements for a minimum school term as required by KRS 158.070 and no attendance shall be recorded for these days.

Section 4. *Each day* [Days] on which school is not in session for *any reason* [reasons] other than those specified by State Board for Elementary and Secondary Education regulations or in excess of the limitations therein provided, shall not be counted *in the minimum school term*. [as school days nor included in the school month.]

Section 5. No report shall be made until the completion of a twenty (20) day school month except that a report for the tenth school month shall be made at the conclusion of the school term.

Section 6. The use of part of the six (6) hour day may be used for supervising the lunch period and for supervising physical education if approved by the Bureau of Instruction on application of the superintendent of the district.

Section 7. Schools shall not be closed *or the day shortened on regularly school days* except in cases of emergency declared by the local superintendent *in accordance with policies of the local board of education.* [board of education.]

[Section 8. No school or schools shall be closed or the day shortened for any outside activities such as teachers' conferences, recording of grades, athletic events, or for any other reason except when prior approval has been secured from the Bureau of Instruction for in-service work conferences.]

[Section 9. The provisions of this regulation shall apply to all pupils and no school day shall be shortened because of bus schedules or other factors.]

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: April 15, 1980

RECEIVED BY LRC: May 14, 1980 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Fred Schultz, Secretary, Kentucky State Board for
Elementary and Secondary Education, 17th Floor, Capital
Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(Proposed Amendment)

704 KAR 5:050. Public school programs.

RELATES TO: KRS 157.312, 157.315, 157.360,
158.070, 158.090, 158.300

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: KRS 157.315 requires the State Board for Elementary and Secondary Education to adopt regulations defining and prescribing the criteria for kindergartens in the common schools and the eligibility requirements of pupils to attend these classes.

Section 1. Personnel qualified to serve in an approved unit for kindergarten shall hold Kentucky teacher certification as follows:

(1) A Kentucky certificate endorsement for kindergarten teaching; or

(2) A Kentucky certificate valid for kindergarten teaching; or

(3) A Kentucky certificate valid for elementary classroom teaching initially issued prior to September 1, 1971.

Section 2. (1) State funding for a public school kindergarten unit shall be allocated for each fifty (50) kindergarten children enrolled in a school district. A fractional portion of a unit will be awarded on the ratio of one (1) unit to fifty (50) children enrolled.

(2) If the total kindergarten units appropriated in the state biennium budget bill are not allocated based on the enrollment requirement, the Superintendent of Public Instruction shall make a percentage reduction in the enrollment requirement in order to allot the total units appropriated.

Section 3. Scheduling for a kindergarten unit shall meet one (1) of the following plans:

(1) Conduct half-day session(s) for the school year.

(2) Conduct all day session(s) for the first semester. Conduct all day session(s) for the second semester. The second semester enrollment shall be children that have not previously enrolled in a kindergarten session in the district.

(3) Conduct alternate day session(s) all year.

(4) A school district desiring to implement a plan other than those listed in Section 3 (1) (2) and (3) shall submit a request for approval of such plan to the Assistant Superintendent for the Bureau of Instruction prior to implementing such plan.

Section 4. [(1)] Any child who is five (5) years of age or who may become five (5) years of age by October [September] 1, 1980 [79], and any year thereafter, shall be permitted to enroll in a public school kindergarten. *Notwithstanding the age requirement listed above, each child who has satisfactorily completed an approved nursery school and will be five (5) years of age on or before December 31, 1980, shall be eligible for enrollment in a public kindergarten program in the 1980-81 school year and in the first grade during the 1981-82 school year.*

[(2)] The parent or legal guardian of any child who becomes five (5) years of age on or before December 31, may petition the State Board for Elementary and Secondary Education to allow the child to be enrolled in

kindergarten at the beginning of the school year in which the child becomes five (5).]

Section 5. The program shall include desirable experiences in social living, physical development, emotional growth and stability, language arts, science, music, art, and creative activities. The program shall provide opportunities and experiences in accordance with each child's level of comprehension and maturation.

Section 6. The facilities shall be in compliance with the regulations of the Department of Education's Division of Buildings and Grounds.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: April 15, 1980

RECEIVED BY LRC: May 14, 1980 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET

Department of Education

Bureau of Instruction

(Proposed Amendment)

704 KAR 10:022. Elementary, middle and secondary schools standards.

RELATES TO: KRS 156.160

PURSUANT TO: KRS 13.082, 156.070, [156.130,] 156.160

NECESSITY AND FUNCTION: To establish general standards to be used in evaluation of elementary, middle and secondary schools.

Section 1. Pursuant to the authority vested in the Kentucky State Board for Elementary and Secondary Education by KRS 156.070 and 156.160, the 1980 Kentucky standards for grading, classifying and accrediting elementary, middle and secondary schools are presented herewith for filing with the Legislative Research Commission, and incorporated by reference.

Section 2. "The Merit Rating Procedural Information and General Criteria for Guidance Programs," the "Guidelines for Merit Media Programs," in elementary, middle and secondary schools and "Merit Rating for Kentucky High Schools" are presented herewith for filing with the Legislative Research Commission and incorporated by reference.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: April 15, 1980

RECEIVED BY LRC: May 14, 1980 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Labor

(Proposed Amendment)

803 KAR 1:100. Child labor.

RELATES TO: KRS 339.210 to 339.450

PURSUANT TO: KRS 13.082, 339.230

NECESSITY AND FUNCTION: KRS 339.230(3) authorizes the Commissioner of Labor to promulgate regulations to properly protect the life, health, safety or welfare of minors. He may consider sex, age, premises of employment, substances to be worked with, machinery to be operated, number of hours, hours of the day, nature of the employment and other pertinent factors. The Commissioner may in no event make regulations less restrictive than those promulgated by the U.S. Secretary of Labor under provisions of the Fair Labor Standards Act and its amendments. The function of this regulation is to set standards for the employment of minors. This regulation and KRS Chapter 339 will guide the Department of Labor in carrying out its responsibilities under the law and assist employers who may be concerned with the provisions of the law in understanding their obligations under the law.

Section 1. Definitions. (1) "School in session" means that [inclusive] time *which an individual student is required to be in school* [between the beginning and ending of the calendar school year] as established by local school district authorities [; but shall not include Christmas and spring break].

(2) "School not in session" means period of time not included in subsection (1) of this section.

Section 2. Employment of minors between fourteen (14) and sixteen (16) years of age. (1) Minors between fourteen (14) and sixteen (16) years of age may not be employed in any of the following:

(a) Manufacturing, mining, or processing occupations, including occupations requiring the performances of any duties in work rooms or work places where goods are manufactured, mined, or otherwise processed;

(b) Occupations which involve the operation or tending of hoisting apparatus or of any power-driven machinery other than office machines;

(c) The operation of motor vehicles or service as helpers on such vehicles;

(d) Public messenger service;

(e) Occupations in connection with:

1. Transportation of persons or property by rail, highway, air, water, pipeline, or other means;

2. Warehousing and storage;

3. Communications and public utilities;

4. Construction (including demolition and repair); except such office work, or sales work, in connection with subparagraphs 1., 2., 3., and 4. of this paragraph, as does not involve the performance of any duties on trains, motor vehicles, aircraft, vessels, or other media of transportation or at the actual site of construction operations.

(f) Any occupation which the U.S. Secretary of Labor may find and declare to be hazardous for the employment of minors and set forth in CFR Title 29, Part 570, Subpart E, Section 570.50 through 570.68;

(g) Any occupation prohibited under KRS 339.230(2)(d).

(2) Except as provided in subsection (3) of this section, employment in any of the occupations to which this section is applicable shall be confined to the following periods:

- (a) Outside school hours;
- (b) Not more than forty (40) hours in any one (1) week when school is not in session;
- (c) Not more than eighteen (18) hours in any one (1) week when school is in session;
- (d) Not more than eight (8) hours in any one (1) day when school is not in session;
- (e) Not more than three (3) hours in any one (1) day when school is in session;
- (f) Between 7 a.m. and 7 p.m. in any one (1) day, except during the summer (June 1 through Labor Day) when the evening hour will be 9 p.m.

(3) In the case of enrollees in work training programs conducted under the provisions of the Comprehensive Employment and Training Act of 1973, there is an exception to the requirement of subsection (2)(a) of this section if the employer has on file an unrevoked written statement of the regional administrator for employment and training or his representative setting out the periods which the minor will work and certifying that his employment confined to such periods will not interfere with his health and well-being, countersigned by the principal of the school which the minor is attending with his certificate that such employment will not interfere with the minor's schooling.

(4) Minors between fourteen (14) and sixteen (16) years of age may be employed by retail, food service, and gasoline service establishments in the following occupations:

- (a) Office and clerical work, including the operation of office machines;
- (b) Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping;
- (c) Price marketing and tagging by hand or by machine, assembling orders, packing and shelving;
- (d) Bagging and carrying out customer's orders;
- (e) Errand and delivery work by foot, bicycle, and public transportation;
- (f) Clean up work, including the use of vacuum cleaners and floor waxers, and maintenance of grounds, but not including the use of power-driven mowers, or cutters;
- (g) Kitchen work and other work involved in preparing and serving food and beverages, including the operation of machines and devices used in the performance of such work, such as but not limited to: dishwashers, toasters, dumb-waiters, popcorn poppers, milk shake blenders and coffee grinders;
- (h) Work in connection with cars and trucks if confined to the following: dispensing gasoline and oil; courtesy service; car cleaning, washing and polishing; and other occupations permitted by this section, but not including work involving the use of pits, racks, or lifting apparatus, or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.
- (i) Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing and stocking goods when performed in areas physically separate from freezers and meat coolers.

(5) Subsection (4) of this section shall not be construed to permit the employment of minors between fourteen (14) and sixteen (16) years of age in any of the following in retail, food service, and gasoline service establishments:

- (a) All occupations listed in subsection (1) of this section;
- (b) Work performed in or about boiler or engine rooms;
- (c) Work in connection with maintenance or repair of the establishment, machines or equipment;
- (d) Outside window washing that involves working from

window sills, and all work requiring the use of ladders, scaffolds, or their substitutes;

(e) Cooking (except at soda fountains, lunch counters, snack bars, or cafeteria serving counters) and baking;

(f) Occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers, and cutters, and bakery-type mixers;

(g) Work in freezers and meat coolers and all work in the preparation of meats for sale except as described in subsection (4)(i) of this section;

(h) Loading and unloading goods to and from trucks, railroad cars, or conveyors;

(i) All occupations in warehouses except office and clerical work.

Section 3. Employment of minors between sixteen (16) and eighteen (18) years of age.

(1) Minors between sixteen (16) and eighteen (18) years of age may be employed at any occupation except as hereinafter restricted:

(a) Occupations particularly hazardous as declared by the U. S. Secretary of Labor and set forth in CFR Title 29, Part 570, Subpart E, Section 570.50 through 570.68 which is incorporated herein and made a part hereof by reference.

(b) Any occupation prohibited under KRS 339.230(2)(d).

(2) [Except as provided in subsection (3) of this section] Employment in any occupation, not prohibited by subsection (1) of this section, shall be confined to the following periods:

(a) Not more than *forty (40)* [thirty-two (32)] hours in any one (1) week when school is in session;

(b) Not more than six (6) hours in any one (1) day when school is in session, Monday through Friday; nor more than eight (8) hours on Saturday and Sunday, when school is in session;

(c) Between 6 a.m. and 11:30 p.m. Sunday through Thursday, and between 6 a.m. and 1:00 a.m. on Friday and Saturday when school is in session. [;]

[(3) (a) There are no restrictions of hours or time of work schedule for the following:]

[1. Minors who have graduated from high school or an approved vocational school equivalent to a high school; or]

[2. Minors who are no longer attending a school and have not attended school for the previous sixty (60) days; or]

[3. Minors not required to attend school for that period herein described as "school not in session."]

[(b) Enrollees in a work training program established by a local board of education or the federal government and approved by the federal government shall be exempt from subsection (2) of this section, except under no circumstances shall the minor be employed more than eight (8) hours per day or more than forty-eight (48) hours per week.]

EUGENE F. LAND, Commissioner

ADOPTED: April 22, 1980

APPROVED: FOSTER PETTIT, Secretary

RECEIVED BY LRC: April 25, 1980 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Charles E. McCoy, Director, Division of Labor Standards, Kentucky Department of Labor, U.S. 127 South Building, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:015. General industry standards.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules, regulations, and standards. Consistent with this authority the following regulations contain those standards to be enforced by the Division of Occupational Safety and Health Compliance. The Occupational Safety and Health Standards Board hereby adopts the following regulations applicable to general industry.

[Section 1. Safety Tire Rack. A safety tire rack, cage, or equivalent protection shall be provided and used when inflating, mounting, or dismounting tires installed on split rims or rims equipped with locking rings or similar devices.]

Section 1. [2.] Batteries. Changing and charging storage batteries (for automotive-type battery charging installations and in-vehicle charging of batteries):

(1) Battery charging installations shall be located in areas designated for that purpose.

(2) In-vehicle charging shall be done in areas designated for that purpose.

(3) Facilities shall be provided for flushing electrolyte from the eyes and skin with water. An adequate water supply shall be within twenty-five (25) feet of any part of the area designated above.

(4) No battery shall be charged or discharged within a closed or unvented container. The batteries shall be charged:

(a) In the open; or

(b) In a mechanically-ventilated space; or

(c) In a space providing at least twenty (20) cubic feet per ampere of charging capacity.

(5) A face shield shall be provided and available at each charging unit. The use of the face shield shall be required for connection and disconnection of vehicle or charger leads to the battery terminals and for the addition or pouring of electrolyte.

(6) Tools and other metallic objects not in actual use shall be kept away from the top terminal section of the battery.

(7) The following instructions shall be posted at each charging installation and on each battery charger:

WEAR FACE SHIELD

(Batteries May Explode)

"TURN OFF CHARGER TO

CONNECT OR DISCONNECT BATTERY"

"WASH ACID SPILLS IMMEDIATELY"

"FIRST AID FOR ACID IN EYES OR ON SKIN

QUICKLY FLUSH WITH WATER FOR TEN (10) MINUTES"

Section 3. Confined Spaces. Definitions: A confined space is a space having limited means of ingress and/or egress and so enclosed that adequate dilution ventilation cannot be obtained by natural air movement, or mechanically induced movement. In order to be a confined space for purposes of this standard, a space must be subject to the accumulation of toxic, combustible, or corrosive agents, or to a deficiency of oxygen. Any of the following,

among others, may be a confined space if it meets the criteria set forth in the definition above:

(1) Storage tanks, tank cars, process vessels, bins, trailers and other tank-like compartments usually with one (1) or more manholes for entry.

(2) Open topped spaces of more than four (4) feet in depth such as bins, silos, pits, vats, tubs, vaults, vessels or floating roof storage tanks.

(3) Ventilation or exhaust ducts, manholes, sewers, underground utility tunnels, pipelines and similar structures.

(4) Ovens, furnaces, kilns and similar structures.

Section 3. [4.] Confined Space Entry; Non-Utility Operations: Except as provided in Section 4 [5], entry into a confined space shall not be made unless the following procedures have been accomplished.

(1) Insure that all lines containing harmful agents, e.g., supply, discharge, overflow, vent, drain or similar connections entering the space are physically separated or blocked by means of blinds or other devices, capable of insuring complete closure.

(2) Fixed mechanical devices and/or equipment which utilize electric, air or hydraulic power shall be placed in zero (0) mechanical state by disconnecting. Electrical service equipment, excluding lighting, shall be padlocked or tagged.

(3) The internal atmosphere shall be tested for combustible gas, toxics and corrosives where there is reason to suspect their presence and, except when adequate natural air movement or adequate continuous forced ventilation is provided, the atmosphere shall also be tested for oxygen deficiency.

(4) Ventilation:

(a) If the tests made in accordance with subsection (3) above indicate that the atmosphere is unsafe, before any employee is permitted to enter the confined space, the space shall be ventilated until the concentration of hazardous substance is reduced to a safe level or removed, and ventilation shall be continued as long as recurrence of the hazard is probable.

(b) As an alternative to ventilation or if the ventilation does not adequately reduce or remove the hazardous substance, an employee may enter a confined space only if that employee wears a supplied air respirator, approved by NIOSH for that purpose. If the employee utilizes a self-contained respirator, sufficient primary air capacity shall be available as well as reserve capacity to perform the task inside the confined space. Under no circumstances shall the wearer of the respirator be permitted to remain in the confined space when the primary air system is depleted or is being replaced. The reserve air supply shall be used only in the event of an emergency.

(5) No employee shall enter a confined space unless:

(a) Provisions have been made for constant communication with an employee in the immediate vicinity not in the confined space; and

(b) Provision has been made for adequate rescue procedure including rescue equipment specifically designed for rescue from the confined space in which work is being performed; and

(c) The employees working inside and outside the confined space have been adequately trained in rescue procedures; the training having been renewed at least yearly.

(6) An employee entering a confined space for rescue shall wear a respirator that meets NIOSH certification and shall have sufficient capacity to effect the rescue from the confined space.

(7) Lighting:

(a) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(b) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices shall have insulation equal to that of the electrical cord.

(c) Working spaces, walkways, and similar locations shall be kept clear of cords so as not to create a hazard to employees.

(d) Portable electric lighting used in moist and/or other hazardous locations, as, for example, drums, tanks, and vessels, shall be operated at a maximum of twelve (12) volts.

Section 4. [5.] Emergency Confined Space Entry. (1) Definition. "Emergency" is a sudden and unexpected condition requiring immediate action.

(2) The employer shall establish a written procedure covering confined space entry under emergency conditions. The emergency may exclude Section 3 [4] (1), (3) and (4)(a).

Section 5. [6.] Confined Space Entry: Utility Operations Including Gas, Water and Sewage: (For Electric Utility Operations See 1926.956(b). For Tele-Communication Utility Operations See 1910.268(o).)

(1) When work by a gas, water, or sewage utility is performed in a manhole, unvented vault, tunnel, pit, or pipeline, the following steps shall be taken before an employee enters:

(a) The internal atmosphere shall be tested for combustible gas, toxics and corrosives where there is reason to suspect their presence and, except when adequate natural air movement or adequate continuous forced ventilation is provided, the atmosphere shall also be tested for oxygen deficiency;

(b) When unsafe conditions are detected by testing or other means, the work area shall be adequately ventilated and otherwise made safe before entry.

(2) An adequate continuous supply of air shall be provided while work is performed under any of the following conditions:

(a) Where combustible or explosive gas vapors have been initially detected and subsequently reduced to a safe level by ventilation;

(b) Where organic solvents are used in the work procedures;

(c) Where open flame torches are used in the work procedures;

(d) Where the manhole is located in that portion of a public right of way open to vehicular traffic and/or exposed to seepage of gas or gases, or

(e) Where a toxic gas or oxygen deficiency is found.

(3) An employee with basic first-aid and rescue training shall be available in the immediate vicinity to render emergency assistance as may be required. The employee whose presence is required in the immediate vicinity for the purposes of rendering emergency assistance is not to be precluded from occasionally entering to provide assistance other than in an emergency. The requirement of this paragraph does not preclude a qualified employee, working alone, from entering for brief periods of time for the purpose of inspection, housekeeping, taking readings, or

similar work if testing for oxygen deficiency, combustible gas and suspected toxic substances has been performed.

(4) Ladders or other safe means shall be used to enter and exit manholes exceeding four (4) feet in depth.

(5) When open flames are used, the following precautions shall be taken to protect against the accumulation of combustible gas:

(a) A test for combustible gas shall be made immediately before using the open flame device, and at least once per hour while using the device; and

(b) A fuel tank (e.g., acetylene) may not be in the manhole unless in actual use.

Section 6. [7.] This regulation shall not pre-empt any specific applicable standard; and shall not preclude any specific applicable standard now in effect.

Section 7. [8.] Safety and Testing of Supply Lines in Excess of 600 Volts. (1) Definitions:

(a) Disconnected means disconnected from any electrical source of supply;

(b) Guarded: Protected by personnel, covered, fenced, or enclosed by means of suitable castings, barrier, rails, screens, mats, platforms, or other suitable devices in accordance with standard barricading techniques designed to prevent dangerous approach or contact by persons or objects. (Note: Wires, which are insulated but not otherwise protected, are not considered as guarded);

(c) Hold cards (also called "hold tags"): A card or tagtype device, usually having a predominant color of white or red which warns against or which cautions against the operation of a particular switch, device, circuit, tool, machine, etc.;

(d) Near: A distance no closer than that shown in the table in subsection (3)(c) of this section;

(e) Qualified person: A person who, because of experience and training is familiar with the construction and operation of the apparatus or equipment and the hazards involved in the performance of the job.

(2) Purpose:

(a) The intent and purpose of this regulation is to provide and establish safety procedures for testing equipment to protect electrical workers from hazards resulting from exposure to high voltage;

(b) This regulation shall apply to non-utility electrical workers who are engaged in electrical construction and/or maintenance of electrical conductors and equipment rated at 600 volts and above.

(3) Energized conductors and equipment:

(a) Only qualified employees shall work on or near high voltage conductors or equipment;

(b) Personal protective equipment shall be provided by the employer and used by the employee when working on or near energized, ungrounded high voltage conductors or equipment;

(c) No employee shall approach or take any conductive object, without an approved insulating handle, within the minimum distance specified in the table below, unless the energized part is insulated or guarded from the employee, or the employee is effectively insulated from the live parts. Rubber gloves (sleeves if necessary) rated for the voltage involved shall be considered effective insulation of the employee from the energized part.

Minimum Clear Distance From Live Parts

Voltage Phase to Phase (Kilovolts)	Distance Phase to Employee
0.6 to 34.5	2'
34.5 to 46	2½'
46 to 69	3'
69 to 115	3' 4"
115 to 138	3' 6"
138 to 169	3' 8"

(4) De-energized conductor or equipment:

(a) Existing conditions shall be determined before starting work on electrical conductor and/or equipment;

(b) Before any work is performed, all electrical switches, breakers and associated disconnecting devices shall be opened, made inoperable and hold tagged out by the person in charge. Employees shall be trained and thoroughly instructed in the tagging procedure. One (1) qualified person, for example: foreman, general foreman or first class electrician, of each crew shall be responsible for attaching hold tags and/or hold cards to the disconnecting means. When more than one (1) crew is involved in the work, multiple hold tags or hold cards shall be placed in the handle of the disconnecting equipment. The use of such tags must be respected. Equipment or items so tagged must not be activated or used without full and proper authority of a responsible person whose signature appears on the tag;

(c) Conductors shall be short circuited and grounded wherever possible;

(d) Capacitors may be components of apparatus of the disconnected electrical system. Before employees are allowed to work, the capacitors shall be discharged, short circuited and grounded;

(e) When de-energizing conductors and equipment and the means of disconnecting from the energy source is not visible open, a voltage test shall be made before starting work. An operational check shall be made of the voltage tester prior to and following the voltage test to determine reliability of the testing device. The test device must be handled and used while wearing or using approved protective equipment during the test;

(f) All conductors and equipment shall be treated as energized until tested, short circuited and effectively grounded except when the circuit involved is isolated from all possible sources of energizing voltage from another circuit, induced voltage or back feed;

(g) The voltage condition of de-energized conductors and/or equipment shall be determined with testing equipment designed for the applicable voltage;

(h) Upon completion of work on de-energized conductors and equipment, the person responsible shall ascertain that all employees under his jurisdiction are clear and that all protective short circuit and grounding lines are removed. The qualified person(s) shall then remove his hold tag(s). Only at this time shall conductors and equipment be re-energized.

Section 9. Safety Belts, Lanyards and Lifelines. (1) Employees working from open-sided unguarded floors, pipe racks, and ledges, platforms, walkways, machinery, stockshelves, or similar unguarded working surfaces which are elevated ten (10) feet or more above a lower level shall be secured by safety belts and lanyards, lifelines where necessary, or shall be protected by safety nets.

(2) Lanyards shall have a nominal breaking strength of 5,400 lbs. The combination of safety belts and lanyards,

lifelines where necessary, shall be designed to permit a fall of not more than five (5) feet.

(3) All safety belt and lanyard hardware, except rivets, shall be capable of withstanding a tensile loading of 4,000 lbs. without cracking, breaking or taking a permanent deformation.

(4) Lifelines, where necessary, shall be secured above the point of operation to an anchorage of structural member capable of supporting a minimum dead weight of 5,400 lbs.

(5) This standard shall not pre-empt any applicable standard now in effect.

EUGENE F. LAND, Commissioner

ADOPTED: April 28, 1980

APPROVED: DENNIS CARRIGAN, Deputy Secretary

RECEIVED BY LRC: May 13, 1980 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Department of Labor, Occupational Safety and Health Program, U. S. 127 South, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Labor
Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:020. Adoption of 29 CFR Parts 1910 and 1990.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry.

Section 1. The Occupational Safety and Health Standards Board hereby adopts 29 CFR Part 1910, the Occupational Safety and Health Standards for General Industry, published by the Commerce Clearing House, Inc., Chicago, Illinois 60646, in the March 1979 Edition, Copyright Date 1979, These standards are hereby adopted by reference with the following additions, exceptions, and deletions.

(1) 29 CFR Part 1910.1 shall read as follows:

"The provisions of this regulation adopt and extend the applicability of established federal standards contained in 29 CFR Part 1910 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021."

(2) 29 CFR Part 1910.2 shall read as follows: As used in this part, unless the context clearly requires otherwise:

(a) "Act" means KRS Chapter 338.

(b) "Assistant Secretary of Labor" means the Commissioner of Labor, Commonwealth of Kentucky.

(c) "Employer" means any entity for whom a person is employed except those employers excluded in KRS 338.021.

(d) "Employee" means any person employed except those employees excluded in KRS 338.021.

(e) "Standard" means a standard which requires conditions or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe and healthful employment. "Standard" has the same meaning as and includes the words "regulation" and "rule."

(f) "National consensus standard" means any occupational safety and health standard or modification thereof which has been adopted and promulgated by a nationally recognized standards-producing organization.

(g) "Established federal standard" means any operative occupational safety and health standard established by any agency of the United States Government.

(h) An employer, required under these standards to report information to the U.S. Department of Labor, or any subsidiary thereof, shall instead report such information to the Kentucky Department of Labor, U.S. 127 South, Frankfort, Kentucky 40601.

(3) 29 CFR 1910.141(c)(2)(i) shall read as follows:

"(i) Each water closet shall occupy a separate compartment with walls or partitions between fixtures sufficiently high to assure privacy."

(4) 29 CFR 1910.151 relating to medical services and first aid shall be changed to read as follows:

"(a) The employer shall ensure the ready availability of medical personnel for advice and consultation on matters of occupational health."

"(b) Employers with eight (8) or more employees within the establishment shall have persons adequately trained to render first aid and first-aid supplies approved by a consulting physician, along with a signed list of these supplies, shall be readily available. Outside salesmen, truck drivers, seasonal labor, and others who while performing their duties, are away from the premises more than fifty (50) percent of the time are not to be included in determining the number of employees."

"(c) All other employers shall, in the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, have a person or persons adequately trained to render first aid. First-aid supplies approved by the consulting physician shall be readily available."

"(d) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use."

(5) 29 CFR 1910.217(b)(7)(xii) relating to machines using part revolution clutches shall be amended by adding the following:

"This provision will not prevent the employer from utilizing a reversing means of the drive motor with the clutch-brake control in the 'inch' position."

(6) 29 CFR 1910.1005 4,4'-methylene bis (2-chloroaniline) and 29 CFR 1910.1003 through .1016 paragraphs (c)(6), Laboratory Activities, printed in the Federal Register, Volume 39, Number 125, June 27, 1974, are in effect.

(7) Paragraph 1910.1005(c)(7) of the 29 CFR 1910 General Industry Standards shall read as follows:

"Premixed Solutions: Where 4,4'-methylene bis (2-chloroaniline) is present only in a single solution at a temperature not exceeding 120 degrees Celsius, the

establishment of a regulated area is not required; however, (i) only authorized employees shall be permitted to handle such materials."

(8) 29 CFR 1910.101(b) shall be amended by revocation of referenced pamphlet P-1-1965 and the adoption of P-1-1974, herein filed by reference.

(9) 29 CFR 1910.1028 "Occupational Exposure to Benzene," Paragraph (a)(2)(iii) and Paragraph (k)(2)(iii) were inadvertently transposed in the printing and shall read as follows: 1910.1028(a)(2)(iii) work operations where the only exposure to Benzene is from liquid mixtures containing 0.5 percent (0.1 percent after June 27, 1981) or less Benzene by volume, or the vapors released from such liquids. 1910.1028(k)(2)(iii) liquid mixtures containing 5.0 percent or less Benzene by volume which were packaged before June 27, 1978.

(10) Amend 29 CFR 1910 by adding the following addition and revision:

1910.20 (b) "Qualified Professional" means any person trained in the field of industrial hygiene, toxicology, epidemiology, nursing, medicine or health physics.

1910.20 (d) Availability of records. Delete the word designee and insert "A designated qualified professional."

(11) 29 CFR 1910.106(a)(3) shall read as follows:

"The term automotive service station, or service station, shall mean that portion of property where flammable or combustible liquids used as motor fuel are stored and dispensed from fixed equipment and into the fuel tanks of motor vehicles and shall include any facilities available for the sale and servicing of tires, batteries, accessories and for minor automotive maintenance work and shall also include private stations not accessible or open to the public such as those used by commercial, industrial or governmental establishments. This section shall not apply to agriculture."

(12) Amend 29 CFR 1910.217 Mechanical Power Press Standards to read:

(a) "1910.217(b)(8)(iv) All a.c. control circuits and solenoid coils shall be powered by not more than a nominal 120-volt a.c. supply obtained from a transformer with an isolated secondary."

(b) 1910.217(d)(3), (d)(5), (d)(9)(i) The references to paragraph (b) shall be changed to paragraph (c).

(13) 29 CFR 1910.1025 "Occupational Exposure to Lead" shall be amended as follows:

(a) Add Appendices A, B, and C which appeared in the Federal Register Volume 44, Number 206, October 23, 1979, hereby adopted by reference, copy attached hereto.

(b) *Corrections to the Appendices which have been adopted by the U.S. Department of Labor, printed in the Federal Register, Volume 44, Number 232, November 30, 1979, a copy of which is attached hereto, is adopted by reference.*

(c) [(b)] Paragraph (a)(2) shall read: "This section does not apply to the Construction Industry or to Agricultural operations covered by 29 CFR 1928."

(14) Subparagraph 29 CFR 1910.23(a)(7) shall be amended to read as follows:

"Every temporary or permanent floor opening shall have standard railings, or shall be constantly attended by someone."

(15) Subparagraph 29 CFR 1910.252(a)(6)(iv)(d)(2) shall be corrected to read as follows:

"Wiring and electrical equipment in compressor or booster pump rooms or enclosures shall conform to the provisions of section 1910.309(a) for Class I, Division 2 locations."

(16) 29 CFR 1910.177 "Servicing Multi-Piece Rim

Wheels" as printed in the *Federal Register*, Volume 45, Number 20, January 20, 1980, a copy of which is attached hereto, is adopted by reference.

(17) Amendments to 29 CFR 1910.1043 "Occupational Exposure to Cotton Dust" relating to new start-up dates, printed in the *Federal Register*, Volume 45, Number 39, February 26, 1980, a copy of which is attached hereto, is adopted by reference.

Section 2. The Occupational Safety and Health Standards Board hereby adopts 29 CFR 1990, the general policy for Identification, Classification and Regulation of Potential Occupational Carcinogens. This part, printed in the *Federal Register*, Volume 45, Number 15, sets forth a general policy for the identification and regulation of physical and chemical substances that pose a potential occupation carcinogenic risk to humans. These standards are hereby adopted by reference, a copy of which is attached hereto.

EUGENE F. LAND, Commissioner

ADOPTED: May 12, 1980

APPROVED: DENNIS CARRIGAN, Deputy Secretary
RECEIVED BY LRC: May 13, 1980 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Executive Director, Kentucky Department of Labor,
Occupational Safety and Health Program, U.S. 127 South,
Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Labor
Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:050. Scope.

RELATES TO: KRS Chapter 338 [338.021]

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: Pursuant to the authority granted the Kentucky Occupational Safety and Health Standards Board by KRS 338.051, this regulation is adopted. The function of this regulation is to identify the scope of the regulations pertaining to Kentucky Occupational Safety and Health under KRS Chapter 338.

Section 1. These regulations shall apply to all employers, employees, and places of employment throughout the Commonwealth except the following:

- (1) Employees of the United States Government.
- (2) Employers, employees, and places of employment over which federal agencies other than the United States Department of Labor exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.
- (3) Nothing in these regulations shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any manner the common law or statutory rights, duties, or liabilities of employees, under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of employment.

[Section 2. These regulations shall not apply to the issues covered in the following federal standards:]

- [(1) 29 CFR Part 1 1910.13, Ship repairing;]
- [(2) 29 CFR Part 1 1910.14, Shipbuilding;]
- [(3) 29 CFR Part 1 1910.15, Shipbreaking;]
- [(4) 29 CFR Part 1 1910.16, Longshoring;]

EUGENE F. LAND, Commissioner

ADOPTED: May 12, 1980

APPROVED: DENNIS CARRIGAN, Deputy Secretary

RECEIVED BY LRC: May 13, 1980 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Executive Director, Kentucky Department of Labor,
Occupational Safety and Health Program, U.S. 127 South,
Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES

Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:322. Triprolidine and pseudoephedrine hydrochloride.

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Triprolidine Hydrochloride and Pseudoephedrine Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Triprolidine Hydrochloride and Pseudoephedrine Hydrochloride Syrup Pharmaceutical Products. The following Triprolidine Hydrochloride and Pseudoephedrine Hydrochloride syrup pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Triprolidine Hydrochloride 1.25 mg./5 ml. and Pseudoephedrine Hydrochloride 30 mg./5 ml. Syrup Form:

- (1) Actacin: Vanguard Laboratories;
- (2) Actagen: Generix Drug Corporation;
- (3) Actamine: H. L. Moore Drug Exchange;
- (4) Allerfrin: Rugby Laboratories;
- (5) Allerphed: Spencer-Mead, Inc.;
- (6) Actifed: Burroughs Wellcome;
- (7) Actipar: Parmed Pharmaceuticals;
- (8) Isocap: Cooper Drug Company;
- (9) Pseudodine: Bay Laboratories;
- (10) Rafeid Syrup: Three P Products Corporation;
- (11) Tagafed: Tutag Pharmaceuticals;
- (12) Theda-Phed: Theda Corporation;
- (13) [(12)] Suda-Prol: Columbia Medical Company;
- (14) [(13)] Triacin: Barre Drug Company, Murray Drug Corporation, Richie Pharmacal Company, [National Pharmaceutical Manufacturing Company], United Research Laboratories;

- (15) [(14)] Triafed: Henry Schein, Inc.;
 (16) [(15)] Trifed: Geneva Generics;
 (17) [(16)] Triprolidine and Pseudoephedrine: ICN Pharmaceuticals, Purepac Pharmaceuticals, *Trust Pharmaceuticals*.

Section 2. Triprolidine Hydrochloride and Pseudoephedrine Hydrochloride Tablet Pharmaceuticals. The following Triprolidine Hydrochloride and Pseudoephedrine Hydrochloride tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Triprolidine Hydrochloride 2.5 mg. and Pseudoephedrine Hydrochloride 60 mg. tablet form:

- (1) *Actacin: Vanguard Laboratories;*
 (2) *Actifed: Burroughs Wellcome;*
 (3) [(1)] *Allerfrin: Rugby Laboratories;*
 (4) *Corphed: Professional Services;*
 (5) [(2)] *Tagafed: Tutag Pharmaceuticals;*
 (6) *Theda-Phed: Theda Corporation;*
 (7) [(3)] *Trifed: Geneva Generics;*
 (8) *Tripodrine: Danbury Pharmacal;*
 (9) [(4)] *Triprolidine and Pseudoephedrine: Pharmadyne Laboratories.*

E. C. SEELEY, M.D., Chairperson

ADOPTED: May 5, 1980

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: May 14, 1980 at 4 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Dan W. Hanke, Ph.D., Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
Certificate of Need and Licensure Board
(Proposed Amendment)

902 KAR 20:010. Hospital facilities; construction and alteration.

RELATES TO: KRS 216.405 to 216.485, 216.990(2)

PURSUANT TO: KRS 13.082, 216.425

NECESSITY AND FUNCTION: This regulation relates to the construction and alteration of hospital facilities. It is being promulgated pursuant to the mandate of KRS 216.425(3) that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services.

Section 1. Definition: Hospitals, General: Establishments with organized medical staffs; with permanent facilities that include inpatient beds; and with medical services, including physician services and continuous nursing services, to provide diagnosis and treatment for patients who have a variety of medical conditions, both surgical and nonsurgical.

Section 2. Functions of Hospitals. (1) The primary function of the institution is to provide diagnostic and

treatment services for patients who have a variety of medical conditions, both surgical and nonsurgical.

(2) The institution maintains inpatient beds.

(3) There is a governing authority legally responsible for the conduct of the institution.

(4) There is an administrator to whom the governing authority delegates the full-time responsibility for the operation of the institution in accordance with established policy.

(5) There is an organized medical staff to which the governing authority delegates responsibility for maintaining proper standards of medical care.

(6) Each patient is admitted on the medical authority of, and is under the supervision of, a member of the medical staff.

(7) Registered professional nurse supervision and other nursing services are continuous.

(8) A current and complete medical record is maintained for each patient.

(9) Pharmacy service is maintained in the institution and is supervised by a registered pharmacist.

(10) Diagnostic x-ray service, with facilities and staff for a variety of procedures, is maintained in the institution.

(11) Clinical laboratory service, with facilities and staff for a variety of tests and procedures, is maintained in the institution, and anatomical pathology services are regularly and conveniently available.

(12) Operating room and/or obstetrical room service, with facilities and staff, is maintained in the institution except within specialty hospitals, included but not limited to tuberculosis, psychiatric, and etc.

(13) Food served to patients meets their nutritional requirements, and special diets are regularly available.

Section 3. Preparation of Plans and Specifications. After receiving certificate of need approval from the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board, the following procedures and regulations will be followed:

(1) Before construction is begun for the erection of new buildings or alterations to existing buildings or any changes in facilities for a hospital, the licensee or applicant shall submit plans to the licensing agency for approval.

(2) Architectural drawings must bear the seal of an architect registered in the Commonwealth of Kentucky and the mechanical and electrical drawings must bear the seal of a professional engineer registered in the Commonwealth of Kentucky.

(3) Drawings shall not exceed thirty-six (36) by forty-six (46) inches when trimmed.

Section 4. Submission of Plans and Specifications for Hospitals. (1) First stage; schematic plans:

(a) Single line drawings of each floor shall show the relationship of the various departments or services to each other and the room arrangement in each department. The name of each room shall be noted. Drawings shall include typical patient room layouts (scaled ½ inch x 1 foot) with dimensions noted. The proposed roads and walks, service and entrance courts, parking and orientation shall be shown in a plot plan.

(b) If the project is an addition, or is otherwise related to existing buildings on the site, the plans shall show the facilities and general arrangements of those buildings.

(2) Second stage; preliminary plans. Preliminary sketch plans shall include the following:

(a) Architectural:

1. Plans of basement, floors, and roof showing space assignment, sizes, and outline of fixed and movable equipment;

2. All elevations and typical sections;
3. Plot plan showing roads, parking, and sidewalks;
4. Areas and bed capacities by floors.

(b) Mechanical:

1. Single line layout of all duct and piping systems;
2. Riser diagrams for multistory construction;
3. Scale layout of boilers and major associated equipment and central heating, cooling, and ventilating units.

(c) Electrical:

1. Plans showing space assignment, sizes and outlines of fixed equipment such as transformers, main switch and switchboards, and generator sets;

2. Simple riser diagram for multistory building construction, showing arrangement of feeders, subfeeders, bus work, load centers, and branch circuit panels.

(d) Outline specifications:

1. General description of the construction, including interior finishes, types and locations of acoustical material, and special floor covering.

2. Description of the air-conditioning, heating, and ventilation systems and their controls; duct and piping systems; and dietary, laundry, sterilizing and other special equipment.

3. General description of electrical service including voltage, number of feeders, and whether feeders are overhead or underground.

(3) Third stage; contract documents:

(a) Working drawings. Working drawings shall be complete and adequate for bid, contract, and construction purposes. Drawings shall be prepared for each of the following branches of the work; architectural, structural, mechanical, and electrical. They shall include the following:

1. Architectural drawings: Approach plan showing all new topography, newly established levels and grades, existing structures on the site (if any), new building structures, roadways, walks, and parking areas; plan of each basement, floor, and roof; elevations of each facade; sections through building; required scale and full-size details; schedule of doors, windows, and room finishes. Equipment: location of all fixed equipment. Layout of typical and special rooms indicating all fixed equipment and major items of movable equipment. Equipment not included in contract shall be so indicated; conveying systems. Details of construction, machine and control spaces necessary, size and type of equipment and utility requirements for the following: dumbwaiters: electric, hand, hydraulic; elevators: freight, passenger, patient; loading dock devices; pneumatic tube systems.

2. Structural drawings: Plans for foundations, floors, roofs, and all intermediate levels with sizes, sections, and the relative location of the various structural members; dimensions of special openings; details of all special connections, assemblies, and expansion joints.

3. Mechanical drawings:

a. Heating, steam piping, and air-conditioning systems. Radiators and steam heated equipment such as sterilizers, warmers, and steam tables; heating and steam mains and branches with pipe sizes; diagram of heating and steam risers with pipe sizes; sizes, types, and capacities of boilers, furnaces, hot water heaters with stokers, oil burners, or gas burners; pumps, tanks, boiler breeching, and piping and boiler room accessories; air-conditioning systems with required equipment, water and refrigerant piping, and ducts; supply and exhaust ventilation systems with heating/cool-

ing connections and piping; air quantities for all room supply and exhaust ventilating duct openings.

b. Plumbing, drainage, and standpipe systems: Size and elevation of: street sewer, house sewer, house drains, street water main, and water service into the building; location and size of soil, waste, and water service with connections to house drains, clean-outs, fixtures, and equipment; size and location of hot, cold and circulating branches, and risers from the service entrance and tanks; riser diagram for all plumbing stacks with vents, water risers, and fixture connections; gas, oxygen, and vacuum systems; standpipe and sprinkler systems where required; all fixtures and equipment that require water and drain connections.

4. Electrical drawings: Electric service entrance with switches and feeders to the public service feeders, characteristics of the light and power current, transformers and their connections if located in the building. Location of main switchboard, power panels, light panels, and equipment. Diagram of feeders and conduits with schedule of feeder breakers or switches. Light outlets, receptacles, telephone switchboard, strip boxes, telephone outlets, and branch conduits. Nurses' call systems with outlets for beds, duty stations, door signal light, annunciators, and wiring diagrams. Fire alarm system with stations, signal devices, control board, and wiring diagrams. Emergency electrical system with outlets, transfer switch, sources of supply, feeders and circuits. All other electrically operated systems and equipment.

(b) Specifications. Specifications shall supplement the drawings to fully describe types, sizes, capacities, workmanship, finishes and other characteristics of all materials and equipment and shall include:

1. Cover or title sheet;

2. Index;

3. Sections describing materials and workmanship in detail for each class of work.

(c) General conditions include the following requirements: access to work. Representatives of the appropriate state agencies will have access at all reasonable times to the work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

Section 5. Code and Standards. (1) General. Nothing stated herein shall relieve the sponsor from compliance with building codes, ordinances, and regulations which are enforced by city, county, or state jurisdictions.

(2) The following codes and standards will apply where applicable and as adopted by the respective agency authority:

(a) Current Kentucky Standards of Safety regulations applicable to hospitals.

(b) Current Kentucky Plumbing Standards regulations applicable to hospitals.

(c) Current Kentucky standards for air contaminants for incinerators regulations applicable to hospitals.

(d) Current Kentucky standards for elevators regulations applicable to hospitals.

(e) Current Kentucky standards for making buildings and facilities accessible to and usable by the physically handicapped regulations applicable to hospitals.

(f) Current Kentucky standards for radiographic equipment and use regulations applicable to hospitals.

(g) Current Kentucky standards for radioisotope equipment and use regulations applicable to hospitals.

Section 6. Facility Requirements and Special Conditions.

(1) These regulations, except Section 5 which may be administered independent from these regulations, apply to the construction of new facilities and facilities that are being converted to hospitals. Existing facilities will be expected to make a concerted and demonstrated effort to fully comply with these regulations and must provide to the satisfaction of the board that there are valid, reasonable, and specific justifications for not being in full compliance. The board, however, reserves the right to establish deadlines for compliance to standards of significant importance as determined by the board.

(2) These standards are intended for facilities to be licensed as hospitals. There are other separate and unique construction and facility standards applicable only to the specific level of care intended which are not interchangeable.

(3) Hospitals with a capacity of fifty (50) beds or less present special problems. The sizes of the various departments will depend upon the requirements of the hospital. Some functions allotted separate spaces or rooms in these general standards may be combined provided that the resulting plan will not compromise the best standards of safety and of medical and nursing practices. In other respects, the general standards set forth in these regulations, including the area requirements, shall apply.

(4) Facilities shall be available to the public, staff, and patients who may be physically handicapped with special attention given to ramps, drinking fountain height, tilted mirrors, etc.

(5) The number of beds in a nursing unit shall not exceed sixty (60) unless additional services are provided, as deemed necessary by the Certificate of Need and Licensure Board. At least sixty (60) percent of the beds shall be located in rooms designed for one (1) or two (2) beds.

Section 7. Nursing Unit. (1) Patient rooms. Each patient room shall meet the following requirements:

(a) Maximum room capacity: four (4) patients.

(b) Minimum room areas exclusive of toilet rooms, closets, lockers, wardrobes, or vestibules: 100 square feet in one-bed rooms and eighty (80) square feet per bed in multibed rooms.

(c) Multibed rooms shall be designed to permit no more than two (2) beds side by side parallel to the window wall. Not less than a four (4) foot space shall be provided between beds, and at least three (3) foot space between the side of a bed and the nearest wall, fixed cabinet, or heating/cooling element. A minimum of four (4) feet is required between foot of bed and opposite wall, or foot of opposite bed in multibed rooms.

(d) Windows: All patient rooms must have windows that may be opened in an emergency. Sill shall not be higher than three (3) feet above the floor and shall be above grade. Window area to be at least ten (10) percent of patient room floor area.

(e) Nurses' calling stations. (See Section 30(8).)

(f) Lavatory. In single and two-bed rooms with private toilet room, the lavatory may be located in the toilet room. Where two (2) patient rooms share a common toilet, a lavatory shall be provided in each patient room.

(g) Wardrobe or closet for each patient. Minimum clear dimensions: One (1) foot deep by one (1) foot and eight (8) inches wide with full length hanging space; provide clothes rod and shelf.

(h) Cubicle curtains, or equivalent built-in devices shall be provided to furnish complete privacy for each patient at any one time in multibed rooms.

(i) No patient room shall be located more than 120 feet from the nurses' station, the clean workroom, and the soiled workroom. No room shall be used as a patient room where the access is through another patient's room.

(2) Service areas in each nursing unit. The size of each service area will depend on the number and types of beds within the unit and include:

(a) Nurses' station. For nurses' charting, doctors' charting, communications, and storage for supplies and nurses' personal effects.

(b) Nurses' toilet room. Convenient to nurses' station.

(c) Soiled workroom. Shall contain clinical sink, work counter, waste receptacle and soiled linen receptacles.

(d) Medicine area. Provision shall be made for convenient and prompt twenty-four (24) hour distribution of medicine to patients. This may be from a medicine preparation room or unit, a self-contained medicine dispensing unit, or by another approved system. If used, a medicine preparation room or unit shall be under the nursing staff's visual control and contain a work counter, refrigerator, and locked storage for biologicals and drugs. A medicine dispensing unit may be located at the nurses' station, in the clean workroom, or in an alcove or other space under direct control of the nursing or pharmacy staff. Controlled substances locker must be under double lock.

(e) Clean linen storage. Enclosed storage space. (May be designated area within the clean workroom.)

(f) Nourishment station. Storage space, sink, hot plate, and refrigerator for serving between-meal nourishments. (May serve more than one (1) nursing unit on the same floor.)

(g) Patient baths. One (1) shower stall or one (1) bathtub for each fifteen (15) beds not individually served.

(h) Stretcher and wheelchair parking area or alcove.

(i) Janitor's closet. Storage of housekeeping supplies and equipment; floor receptor or service sink.

(3) Patient toilet rooms. A toilet room shall be directly accessible from each patient room without going through the general corridor. One (1) toilet room may serve two (2) patient rooms, but not more than four (4) beds. (The lavatory may be omitted from the toilet room if one (1) is provided in each patient room.)

(4) Isolation room. Isolation room(s) for the particular use of those prone to infections as well as those suffering from infections shall be provided. Each isolation room shall have:

(a) Only one (1) patient per room.

(b) Separate toilet room with bath or shower and lavatory for the exclusive use of patient allowing for direct entry from the patient bed area.

(c) Facilities outside and immediately adjacent to the patient room for maintaining aseptic conditions.

Section 8. Newborn Nursery Unit. (1) General. Each nursery shall provide:

(a) Lavatory.

(b) Emergency nurses' call.

(c) Oxygen.

(d) Isolation nursery.

(e) Facilities for viewing the babies.

(2) Full-term nursery. Each room shall contain not more than eight (8) bassinets (this may be increased to sixteen (16) if the extra bassinets are of the isolation type) with a minimum area of twenty-four (24) square feet per regular bassinet (forty (40) square feet per isolation type bassinets). An examination and workroom shall be provided.

ed. (One (1) examination and workroom serve up to twenty-four (24) bassinets.)

(3) Premature and special care nursery. A premature nursery is required only for hospitals with twenty-five (25) or more maternity beds. Each nursery shall have a minimum area of forty (40) square feet per bassinet. The premature nursery shall have its own workroom including lavatory. (A work area within the premature nursery may be used but this area shall be in addition to the required bassinet area.)

(4) Formula room. This room is intended for the sole purpose of preparing the infant formula and shall have no direct access to the nursery or workroom. It may be located elsewhere in the hospital. The following shall be provided unless commercially-prepared formula is used:

(a) Work counter with built-in sink with gooseneck-type spout and knee or foot control.

(b) Lavatory.

(c) Hot plate.

(d) Refrigerator.

(e) Sterilizer (autoclave).

(f) Bottle washer.

(5) If commercially prepared formula is to be used or other modifications are proposed in formula preparation and processing, the formula room shall include such space and equipment as are necessary to accommodate formula processing, handling, and storage requirements.

(6) Janitor's closet. This closet shall contain floor receptor or service sink and space for supplies and cleaning equipment.

Section 9. Pediatric Unit. If provided as a separate nursing unit it shall contain: (1) Patient rooms. Pediatric patient rooms shall conform to the same requirements as those for a patient room shown in Section 7(1)(b). In addition, an allowance of forty (40) square feet per bassinet must be provided in nurseries.

(2) Service areas. These areas shall conform to the requirements in Section 7(2) and shall include:

(a) Treatment room. Lavatory.

(b) Education and playroom. Multiuse area for fifty (50) percent of the patients.

(c) Toilet room. For each sex, with minimum ratio of one (1) toilet for each eight (8) beds excluding bassinets.

(d) Storage. For clothes, toys, and equipment.

Section 10. Psychiatric Unit. If included as a separate nursing unit, it should be designed as other nursing units except that care must be taken to provide for patients needing close supervision to prevent the patient's escape, suicide, or hiding. The unit shall contain:

(1) Patient room. Each patient room shall meet the following requirements:

(a) Minimum room areas: 100 square feet in one-bed rooms and eighty (80) square feet per bed in multibed rooms.

(b) Private toilet rooms.

(c) Window: Sill height shall not be higher than three (3) feet above the floor and shall be above grade. Provide detention screens or equivalent.

(2) Service areas. These areas shall conform to the requirements in Section 7(2) and shall include:

(a) Examination and treatment room.

(b) Conference room.

(c) Dining room, recreation room, occupational therapy room shall equal forty (40) square feet per patient combined.

(d) Storage for recreation and occupational therapy equipment.

(e) Storage for patients' belongings.

Section 11. Surgical Suite. (1) General. The suite shall be located to prevent through traffic.

(2) Operating rooms. The number of operating rooms and recovery beds and the sizes of the service areas shall be based on the expected surgical workload. The surgical suite shall be located and arranged to preclude unrelated traffic through the suite.

(3) Cystoscopy room. This room is required in a facility of over 150 beds. Facilities for dispensing of liquid waste shall be provided. (May be located in area other than the surgical suite.)

(4) Recovery facilities. A separate room with charting space, medication storage and preparation space, and clinical sink is required.

(5) Service areas in each surgical suite. The size of each service area will depend on the surgical workload and shall include:

(a) Surgical supervisor station.

(b) Sterilizing facilities. Near operating room with high-speed autoclave.

(c) Facilities for storage and preparation of medication.

(d) Scrubup facilities. Adjacent to operating rooms.

(e) Soiled workroom. Shall contain counter, clinical sink, waste receptacle, and soiled linen receptacle.

(f) Storage for sterile and unsterile supplies. (May be in clean workroom.)

(g) Anesthesia workroom. For cleaning and storage of equipment.

(h) Storage room for anesthetic agents.

(i) Medical gas and oxygen facilities. (Provide storage room if these services are not piped in.)

(j) Clean workroom. For storage and assembly of supplies; shall contain counter and sink.

(k) Equipment storage room. For surgical and monitoring equipment.

(l) Janitor's closet. Floor receptor or service sink and storage for housekeeping supplies and equipment.

(m) Clothing change areas, lockers, and toilet rooms. For doctors, nurses, orderlies, and other personnel.

(n) A holding area should be designated for patients waiting for surgery which will not obstruct the corridors.

(o) Stretcher alcove.

Section 12. Obstetrical Suite. (1) General. The suite shall be located to prevent through traffic and shall be completely separated from the surgical suite. (See Sections 26, 29 and 30 for special requirements.)

(2) Delivery room. The number required shall be based on the estimated annual birth rate.

(3) Labor room. The number required shall be based on the estimated annual birth rate. A toilet room shall be provided accessible to each labor room.

(4) Recovery room. Shall contain a minimum of two (2) beds; clinical sink; and medication storage and preparation. (May be omitted in hospitals with an annual birth rate of less than 1500.)

(5) Service areas in each obstetrical suite. The size of each service area will depend on the obstetrical workload and the suite shall include:

(a) Supervisor's station.

(b) Sterilizing facilities. Provide with high-speed autoclave. Locate near delivery rooms.

(c) Facilities for storage and preparation of medication.

(d) Scrubup facilities. Adjacent to delivery room.

(e) Soiled workroom. Shall contain counter, clinical sink, waste receptacle, and soiled linen receptacles.

(f) Storage for sterile and unsterile supplies. (May be in clean workroom.)

(g) Anesthesia workroom. For cleaning and storage of equipment.

(h) Storage room for anesthetic agents.

(i) Nitrous oxide and oxygen facilities. (Provide storage room if these services are not piped in.)

(j) Clean workroom. For storage and assembly of supplies; shall contain counter and sink.

(k) Equipment storage room. For surgical and monitoring equipment.

(l) Janitor's closet. Floor receptor or service sink and storage for housekeeping supplies and equipment.

(m) Clothing change areas, lockers, and toilet rooms. For doctors, nurses, orderlies and other personnel.

Section 13. Coronary Care Unit. When coronary care units are planned they shall provide the following:

(1) Single bed patient rooms.

(a) All beds shall be arranged to permit direct visual observation by the nursing staff.

(b) Windows shall be provided so that each patient is cognizant of the outdoor environment.

(c) Opaque curtains when privacy is necessary.

(d) IV solution support for each patient so that the solution is not suspended directly over the patient.

(e) Each bed location shall have oxygen and suction available, two (2) convenience outlets, an examination light and a call system.

(f) Provision for bed lighting suitable for patient reading.

(g) Communication system for nurse to use in an emergency situation without leaving patient bedside.

(h) Toilet facilities shall be directly accessible for each patient. Lavatory spouts should have knee, foot or wrist control.

(i) A locker for the patient's clothing if no closet is available.

(2) Service areas:

(a) Nurses' station:

1. Shall be located to permit direct visual observation of each patient.

2. A desk or counter large enough to provide sufficient work space as well as to accommodate central monitoring equipment and charts.

3. Handwashing facilities shall be available convenient to nurse's station and the drug distribution station.

(b) Emergency equipment.

(c) Drug distribution center: Provision shall be made for the administration of drugs within the unit and shall contain a work counter, refrigerator, and locked storage for biologicals and drugs.

Section 14. Emergency Room Suite. The facilities shall be located to prevent outpatients from traversing inpatient areas and shall include:

(1) Well-marked and sheltered entry with convenient access for ambulances and wheelchairs.

(2) Reception area with telephone, drinking fountain, and toilet rooms.

(3) Admissions and patients' records area.

(4) Examination and treatment room(s). Lavatory.

(5) Emergency room. Clinical sink. (See Sections 26, 29 and 30 for special requirements.)

(6) Storage for sterile supplies.

(7) Wheelchair and stretcher alcove.

(8) Janitor's closet. Floor receptor or service sink and storage for housekeeping supplies and equipment.

Section 15. Radiology Suite. This suite shall contain: (1) Radiographic room (See Section 30 for special requirements).

(2) Film processing room.

(3) Film filing room.

(4) Toilet room. Adjoining each fluoroscopy room.

(5) Dressing area. For ambulatory patients.

(6) Holding area. For stretcher patients.

(7) Waiting space.

(8) Office. With film viewing facilities.

Section 16. Laboratory Suite. Facilities for the following services shall be provided: chemistry, serology, bacteriology, cytology, pathology, and hematology, if not obtained from an outside source shall be provided. The following shall be included:

(1) Glasswashing and sterilizing facilities.

(2) Recording and filing facilities.

(3) Office.

(4) Blood storage facility. (May be located in area other than the laboratory suite.)

(5) Specimen collection room. This room shall be located near the laboratory and contain a water closet and lavatory.

(6) Morgue and autopsy facilities. These facilities shall be provided within the hospital unless otherwise available.

Section 17. Pharmacy or Drug Room. If drugs are used, an adequate supply and other medicinal agents shall be available at all times to meet the requirements of the hospital. They shall be stored in a safe manner and kept properly labeled and accessible. Controlled substances and other dangerous or poisonous drugs shall be handled in a safe manner to protect against their unauthorized use. Controlled substances locker must be under double lock. There shall be adequate refrigeration for biologicals and drugs which require refrigeration. The existing laws, rules and regulations governing drugs and poisons shall be complied with.

Section 18. Dietary Department. The department shall include the following facilities unless commercially prepared dietary service, meals, and/or disposables are to be used. If a commercial service will be used, dietary areas and equipment shall be designed to accommodate the requirements for sanitary storage, processing, and handling.

(1) Food preparation center. Provide lavatory but do not provide mirror.

(2) Food serving facilities. For patients and staff.

(3) Dishwashing room. Provide commercial-type dishwashing equipment and lavatory.

(4) Potwashing facilities.

(5) Refrigerated storage. Three (3) day supply.

(6) Dry storage. Three (3) day supply.

(7) Cart cleaning facilities.

(8) Cart storage area.

(9) Waste disposal facilities.

(10) Canwashing facilities.

(11) Dining facilities.

(12) Dietician's office.

(13) Janitor's closet. Storage for housekeeping supplies and equipment; floor receptor or service sink.

(14) Toilet room. Conveniently accessible for dietary staff.

Section 19. Administration Department. This department shall include: (1) Business office.

(2) Cashier's station.

(3) Information center.

(4) Administrator's office.

(5) Admitting office.

(6) Medical library resources.

(7) Lobby.

(8) Public and staff toilet rooms.

(9) Director of nurses office.

(10) Housekeeper's office or space. (Location optional and may be combined with clean linen room in hospitals of less than 100 beds.)

(11) Conference room (multipurpose).

Section 20. Medical Records Unit. This unit shall include: (1) Active record storage area.

(2) Record review and dictating room.

(3) Work area. For sorting, recording, or microfilming.

(4) Inactive record storage area. (May be omitted if microfilming is used.)

Section 21. Central Medical and Surgical Supply Department. The following areas shall be separated from each other: (1) Receiving and cleanup room. Space for cleaning equipment and disposing or processing of unclean articles shall be provided.

(2) Clean workroom. This room shall be divided into work space, clean storage area, sterilizing facilities, and storage area for sterile supplies.

(3) Unsterile supply storage area. (May be located in an area other than this department.)

Section 22. Laundry. The laundry shall include: (1) Soiled linen room.

(2) Clean linen and mending room.

(3) Linen cart storage.

(4) Lavatories. Accessible from soiled, clean and processing rooms.

(5) Laundry processing room. A supply of clean linens shall be available to meet daily needs of patients.

(6) Janitor's closet. Storage for housekeeping supplies and equipment; floor or service sink.

(7) Storage for laundry supplies. (Subsections (5), (6), (7) need not be provided if laundry is processed outside the hospital.)

Section 23. Central Stores. General storage shall be adequate to meet the needs of the hospital.

Section 24. Employee's Facilities. (1) Female help locker room. This room shall have rest space, lockers, and separate toilet room.

(2) Male help locker room. This room shall have lockers and separate toilet room.

Section 25. Engineering Service and Equipment Areas. The following shall be provided:

(1) Boiler room.

(2) Engineer's office.

(3) Mechanical and electrical equipment room(s).

(4) Maintenance shop(s). At least one (1) room shall be provided.

(5) Storage room for building maintenance supplies.

(6) Storage room for housekeeping equipment. (Need not be provided if space is available in janitor's closet elsewhere.)

(7) Convenient bathing facilities.

(8) Refuse room. For trash storage. Shall be located convenient to service entrance.

(9) Incinerator space. The incinerator shall be in a separate room, or in a designated area within the boiler room, or outdoors.

(10) Yard equipment storage room. For yard maintenance equipment and supplies.

Section 26. Details and Finishes. All details and finishes shall meet the following requirements:

(i) Details:

(a) Exit facilities shall comply with the requirements for exit facilities as listed in "Standards of Safety," adopted by the State Fire Marshal's Office. Doors to patient toilet rooms and other rooms needing access for wheelchairs shall have a minimum width of two (2) feet and ten (10) inches.

(b) Such items as drinking fountains, telephone booths, and vending machines shall be located so that they do not project into the required width of exit corridors.

(c) All doors to patient-room toilets or patient-room bathrooms shall be equipped with hardware which will permit access in any emergency.

(d) All doors opening onto corridors shall be swing-type except elevator doors. Alcoves and similar spaces which generally do not require doors are excluded from this requirement.

(e) No doors shall swing into the corridor except closet doors.

(f) Thresholds and expansion joint covers, if used, shall be flush with the floor.

(g) The location and arrangement of lavatories and sinks with blade handles intended for handwashing purposes shall provide sixteen (16) inches clearance each side of center line of fixture. (See Section 29(5)(a).)

(h) Towel dispensers or other hand drying equipment shall be provided at all lavatories and sinks used for handwashing.

(i) If linen and refuse chutes are used, they shall be designed as follows: (Also see Section 29(2).)

1. Service openings to chutes shall have approved class "B," one and one-half (1½) hour fire doors.

2. Service openings to chutes shall be located in a room or closet of not less than one (1) hour fire-resistive construction, and the entrance door to such room or closet shall be class "C," three-fourths (¾) hour fire door.

3. Minimum diameter of gravity-type chutes shall be two (2) feet.

4. Chutes shall terminate in or discharge directly into a refuse room or linen chute room separate from the incinerator or laundry. Such rooms shall be of not less than two (2) hour fire-resistive construction and the entrance door shall be a class "B," one and one-half (1½) hour fire door.

5. Chutes shall extend at least four (4) feet above the roof and shall be covered by a metal skylight glazed with thin plain glass.

(j) Dumbwaiters, conveyors, and material handling systems shall not open into any corridor or exitway but shall open into a room enclosed by not less than one (1) hour fire-resistive construction. The entrance door to such room shall be a class "C," three-fourths (¾) hour fire door.

(k) Protection requirements of x-ray and gamma-ray installations shall be approved by the Radiation and Product Safety Branch, Office of Consumer Health Protection, Bureau for Health Services, Department for Human Resources.

(l) Ceiling heights:

1. Boiler room. Not less than two (2) feet and six (6) inches above the main boiler header and connecting piping with a minimum height of nine (9) feet.

2. Corridors, storage rooms, patients' toilet rooms, and other minor rooms. Not less than seven (7) feet and six (6) inches.

3. All other rooms. Not less than eight (8) feet.

(m) Boiler rooms, food preparation centers, and laundries shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of eighty-five (85) degrees Fahrenheit.

(n) Approved fire extinguishers shall be provided in recessed locations throughout the building in accordance with the requirements of the State Fire Marshal's Office.

(o) Noise reduction criteria. Partition, floor, and ceiling construction in patient care areas shall comply with Table 1, Section 31.

(2) Finishes:

(a) For flame spread requirements, see Section 28(5).

(b) Floors in anesthetizing areas and rooms used for storage of flammable anesthetic agents shall comply with NFPA Standard No. 56A as adopted by the State Fire Marshal's Office for hospitals.

(c) Floors generally shall be easily cleanable and shall have the wear resistance appropriate for the location involved. Floors in kitchens and related spaces shall be waterproof and greaseproof. In all areas where floors are subject to wetting, they shall have a nonslip finish.

(d) Adjacent dissimilar floor materials shall be flush with each other to provide an unbroken surface.

(e) Walls generally shall be washable and in the immediate area of plumbing fixtures, the finish shall be moistureproof. Wall bases in dietary areas shall be free of spaces that can harbor insects.

(f) Wall bases in any areas used for surgical and obstetrical procedures shall be integral with either the wall or the floor surface material and shall be without voids that can harbor harmful bacteria.

(g) All ceilings shall be washable or easily cleanable except that ceilings shall be washable in operating suites, delivery suites, dietary areas, and nurseries. This requirement does not apply to boiler rooms, mechanical and building equipment rooms, shops, and similar spaces.

(h) Ceilings shall be acoustically treated in corridors, in patient areas, nurses' stations, labor rooms, nourishment stations, dining areas, and dayrooms. Special attention shall be given to sound transmission from boiler rooms, mechanical rooms, and kitchen, to patient bedroom areas.

Section 27. Elevators. Elevator requirements shall conform to the current standards for elevators adopted by the Division of Labor Standards, Department of Labor.

(1) Elevators, where required. All hospitals where either patients' beds or a critical facility, such as operating, delivery, diagnostic, recreation, patient dining, or therapy rooms are located on other than the first floor, shall have electric or electrohydraulic elevators as follows:

(a) Number of elevators:

1. At least one (1) hospital-type elevator shall be installed where one (1) to fifty-nine (59) patient beds are located on any floor other than the first. (For purposes of these requirements, the first floor is that floor first reached from the main front entrance.)

2. At least two (2) hospital-type elevators shall be installed where sixty (60) to 200 patient beds are located on floors other than the first, or where inpatient facilities are

located on a floor other than that containing the patient beds.

3. At least three (3) hospital-type elevators shall be installed where 201 to 350 patient beds are located on floors other than the first, or where inpatient facilities are located on a floor other than that containing the patient beds.

4. For hospitals with more than 350 beds, the number of elevators shall be determined from a study of the hospital plan and the estimated vertical transportation requirements.

(b) Cars and platforms shall be constructed of non-combustible material, except that fire-retardant-treated material may be used if all exterior surfaces of the car are covered with metal. Cars of hospital-type elevators shall have inside dimensions that will accommodate a patient's bed and attendant and shall be at least five (5) feet wide by seven (7) feet and six (6) inches deep. The car door shall have a clear opening of not less than three (3) feet and eight (8) inches.

(c) Leveling. Elevators shall have automatic leveling of the two-way automatic maintaining type with accuracy within plus or minus one-half ($\frac{1}{2}$) inch.

(d) Operation. Elevators (except freight elevators) shall be equipped with two-way special service switch to permit cars to bypass all landing button calls and be dispatched directly to any floor.

(2) Field inspection and tests. The contractor shall be required to cause inspections and tests to be made and shall deliver to the owner written certification that the installation meets the requirements set forth in this section and all pertinent safety requirements.

Section 28. Construction Including Fire-Resistive Requirement. (1) Foundations shall rest on natural solid ground if a satisfactory soil is available at reasonable depths. Proper soil-bearing values shall be established in accordance with recognized standards. If solid ground is not encountered at practical depths, the structure shall be supported on driven piles or drilled piers designed to support the intended load without detrimental settlement, except that one (1) story buildings may rest on a fill designed by a soils engineer. When engineered fill is used, site preparation and all grading shall be done under the direct full-time supervision of the soils engineer. The soils engineer shall issue a final report on the grading operation and a certification of compliance with the job specifications. All footings shall extend to a depth not less than one (1) foot below the estimated maximum frost line.

(2) Construction shall meet the standards of safety adopted by the State Fire Marshal's Office.

(3) Fire safety approval. Prior to final approval of plans and specifications by the state licensure agency, the plans and specifications must be approved by the State Fire Marshal's Office or their authorized representative.

(4) One (1) story buildings. One (1) story buildings shall be of not less than one (1) hour fire-resistive construction throughout, with the following exceptions:

(a) Walls enclosing stairways, elevator shafts, chutes and other vertical shafts, boiler rooms, and storage rooms of 100 square feet or greater area shall be of two (2) hour fire-resistive construction.

(b) Heavy timber construction may be used in gymnasiums, chapels, auditoriums, and administration areas provided that these areas are so located as to be free-standing buildings or if attached to the main building, are suitably fire separated therefrom, do not form a major circulation element in the facility, and not serve as a required means of egress.

(5) Multistory buildings:

(a) For all buildings more than one (1) story in height, the structural framework and building elements shall be an appropriately fire-resistive combination of materials using steel, concrete, or masonry. Load-bearing walls may be used only for exterior walls, fire walls, and vertical shafts.

(b) Bearing walls and walls enclosing stairways, elevator shafts, chutes and other vertical shafts, boiler rooms, and storage rooms of 100 square feet or greater area shall be of two (2) hour fire-resistive construction.

(c) Nonload-bearing corridor partitions shall be of one (1) hour fire-resistive construction.

(d) Columns, girders, trusses, floor construction, including beams, shall be of not less than one and one-half (1½) hour fire-resistive construction.

(e) Beams supporting masonry shall be individually protected with not less than two (2) hour fire-resistive construction.

(f) Nonload-bearing partitions other than corridor partitions shall be of one (1) hour fire-resistive construction and may utilize fire-retardant treated wood studs.

(6) Fire-resistive ratings shall be determined in accordance with the American Society of Testing and Materials, Standard E119-73, filed herein by reference.

(7) Interior finish of walls and ceilings of all exitways, storage rooms, and areas of unusual fire hazard shall have a flame spread rating of not more than twenty-five (25); all other areas shall have a flame spread rating of not more than seventy-five (75), except that up to ten (10) percent of the aggregate wall and ceiling area may have a finish with a rating up to 200. Floor finish materials shall have a flame spread rating of not more than seventy-five (75). Flame spread ratings for each specific product shall be determined by an independent testing laboratory in accordance with the American Society of Testing and Materials, Standard E84-70, filed herein by reference.

Section 29. Mechanical Requirements. (1) General: Prior to completion of the contract and final acceptance of the facility, the architect and/or engineer shall obtain from the contractor certification that all mechanical systems have been tested and that the installation and performance on these systems conform to the requirements of the plans and specifications.

(2) Incinerators and refuse chutes. Incinerators shall be gas, electric, or oil-fired and shall be capable of, but need not be limited to, complete destruction of pathological wastes. The design and installation must comply with current Kentucky standards for control of air contaminants for incinerators regulations applicable to hospitals. Design and construction of refuse chutes shall be in accordance with Part III of the NFPA Standard No. 82 as adopted by the State Fire Marshal's Office for hospitals.

(3) Steam and hot water systems:

(a) Boilers. If boilers are used, a minimum of two (2) must be provided; the combined capacity of the boilers, based upon the published Steel Boiler Institute or Institute of Boiler and Radiator Manufacturer's net rating, must be able to supply 150 percent of the normal requirements of all systems and equipment.

(b) Boiler accessories. Boiler feed pumps, condensate return pumps, fuel oil pumps, and circulating pumps shall be connected and installed to provide standby service when any pump breaks down.

(c) Valves. Supply and return mains and risers of space heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return end.

(d) Covering. Boilers, smoke breeching, steam supply piping, high pressure steam return piping, and hot water space heating supply and return piping shall be insulated with insulation having a flame spread rating of twenty-five (25) or less and a smoke-developed rating of fifty (50) or less.

(4) Air-conditioning, heating, and ventilating systems:

(a) Temperature and humidities:

1. The systems shall be designed to provide the temperatures and humidities shown below:

Area Designation	Temp. F.	RH
Operating	70-76*	50-60
Delivery	70-76	50-60
Recovery	75	50-60
Nursery (observation)	75	50
Nursery (full-term)	75	50
Nursery (premature)	75-80*	50-60*
Intensive Care	75-80*	30-60

* Variable range required

2. For all other occupied areas, a minimum temperature of seventy-two (72) degrees Fahrenheit shall be provided at winter design conditions.

(b) Ventilation system details. All air-supply and air-exhaust systems shall be mechanically operated. All fans serving exhaust systems shall be located at the discharge end of the system. The ventilation rates shown on Table 2, Section 30, shall be considered as minimum acceptable rates and shall not be construed as precluding the use of higher ventilation rates if they are required to meet design conditions.

1. Outdoor ventilation air intakes, other than for individual room units, shall be located as far away as practicable but not less than twenty-five (25) feet from the exhausts from any ventilating system or combustion equipment. The bottom of outdoor intakes serving central air systems shall be located as high as possible but not less than eight (8) feet above the ground level or, if installed through the roof, three (3) feet above roof level.

2. The ventilation systems shall be designed and balanced to provide the general pressure relationship to adjacent areas as shown in Table 2, Section 30.

3. All air supplied to sensitive areas such as operating and delivery rooms and nurseries shall be delivered at or near the ceiling of the area served and all air exhausted from the area shall be removed near floor level. At least two (2) exhaust outlets shall be used in all operating and delivery rooms. Exhaust outlets shall be located not less than three (3) inches above the floor.

4. Room supply air inlets, recirculation, and exhaust air outlets installed in nonsensitive areas shall be located not less than three (3) inches above the floor.

5. Corridors shall not be used to supply air to or exhaust air from any room, except that exhaust air from corridors may be used to ventilate bathrooms, toilet rooms, or janitor's closets opening directly on corridors.

6. Filters. The ventilation systems serving sensitive areas such as operating rooms, delivery rooms, nurseries, isolation rooms and laboratory sterile rooms, and circulated central air systems serving other hospital areas, shall be equipped with a minimum of two (2) filter beds. Filter bed #1 shall be located upstream of the conditioning equipment and shall have a minimum efficiency of thirty (30) percent. Filter bed #2 shall be located downstream of the conditioning equipment and shall have a minimum efficiency of ninety (90) percent.

7. Central systems using 100 percent outdoor air and serving other than sensitive areas, except as noted in subparagraph 14 of this paragraph, shall be provided with filters rated at eighty (80) percent efficiency.

8. The above filter efficiencies shall be warranted by the manufacturer and shall be based on the National Bureau of Standards Dust Spot Test Method with Atmospheric Dust.

9. The exhausts from all laboratory hoods in which infectious or radioactive materials are processed shall be equipped with filters having a ninety-nine (99) percent efficiency based on the DOP (dioctyl-phthalate) test method.

10. Filter frames shall be durable and carefully dimensioned, and shall provide an air-tight fit with the enclosing ductwork. All joints between filter segments and the enclosing ductwork shall be gasketed or sealed to provide a positive seal against air leakages.

11. A manometer shall be installed across each filter bed serving central air systems.

12. Ducts shall be constructed of iron, steel, aluminum, or other approved metal or materials such as clay or asbestos cement.

13. Ducts which penetrate construction intended for x-ray or other ray protection shall not impair the effectiveness of the protection.

14. Duct linings, coverings, vapor barriers, and the adhesives used for applying them shall have a flame spread classification of not more than twenty-five (25) and a smoke-developed rating of not more than fifty (50).

15. Acoustical lining materials shall not be used in the interior of duct systems serving sensitive areas such as operating and delivery rooms, nurseries, and isolation rooms.

16. Ducts which pass through fire walls shall be provided with approved automatic fire doors on both sides of the wall except that three-eighths (3/8) inch steel plates may be used in lieu of fire doors for openings not exceeding one (1) foot and six (6) inches in diameter. An approved fire damper shall be provided on each opening through each fire partition and on each opening through the walls of a vertical shaft. Ducts which pass through a required smoke barrier shall be provided with dampers which are actuated by products of combustion other than heat. Access for maintenance shall be provided at all dampers.

17. Cold-air ducts shall be insulated wherever necessary to maintain the efficiency of the system or to minimize condensation problems.

18. Laboratories shall be provided with outdoor air at a rate of two (2) air changes per hour. If this ventilation rate does not provide the air required to ventilate fume hoods and safety cabinets, additional air shall be provided. A filter with ninety (90) percent efficiency shall be installed in the air supply system at its entrance to the media transfer room.

19. Laboratory hoods for general use shall have a minimum average face velocity of seventy-five (75) feet per minute. Hoods in which infectious or highly radioactive materials are processed shall have a face velocity of 100 feet per minute and each shall have an independent exhaust system with the fan installed at the discharge point of the system. Hoods used for processing infectious materials shall be equipped with a means of disinfection.

20. Duct systems serving hoods shall be constructed of corrosion-resistant material. Duct systems serving hoods in which highly radioactive materials and strong oxidizing agents are used shall be constructed of stainless steel for minimum distance of ten (10) feet from the hood and shall be equipped with washdown facilities.

21. The air from dining areas may be used to ventilate the food preparation areas only after it has passed through a filter with eighty (80) percent efficiency.

22. Exhaust hoods in food preparation centers shall have a minimum exhaust rate of 100 cubic feet per minute per square foot of hood face area. All hoods over cooking ranges shall be equipped with fire extinguishing systems and heat-actuated fan controls. Clean-out openings shall be provided every twenty (20) feet in horizontal exhaust duct systems serving hoods.

23. The ventilation system for anesthesia storage rooms shall conform to the requirements of NFPA Standard No. 56A as adopted by the State Fire Marshal's Office for hospitals.

24. Boiler rooms shall be provided with sufficient outdoor air to maintain combustion rates of equipment and reasonable temperatures in the rooms and in adjoining areas. (See Section 26(1)(m) for additional boiler room, food preparation center, and laundry ventilation requirements.)

(5) Plumbing and other piping systems. All plumbing systems shall be installed in accordance with the requirements of current Kentucky plumbing standards regulations applicable to hospitals. (See Section 5(2).)

(a) Plumbing fixtures:

1. The material used for plumbing fixtures shall be of non-absorptive acid-resistant material.

2. Lavatories and sinks required in patient care areas shall have the water supply spout mounted so that its discharge point is a minimum distance of five (5) inches above the rim of the fixture. All fixtures used by medical and nursing staff and all lavatories used by patients and food handlers shall be trimmed with valves which can be operated without the use of hands. Where blade handles are used for this purpose they shall not exceed four and one-half (4½) inches in length, except that handles on scrub sinks and clinical sinks shall be not less than six (6) inches long.

3. Clinical sinks shall have an integral trap in which the upper portion of a visible trap seal provides a water surface.

(b) Water supply systems:

1. Systems shall be designed to supply water to the fixtures and equipment on the upper floors at a minimum pressure of fifteen (15) pounds per square inch during maximum demand periods.

2. Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.

3. Hot, cold, and chilled water piping, and waste piping on which condensation may occur shall be insulated. Insulation of cold and chilled water lines shall include an exterior vapor barrier.

4. Backflow preventers shall be installed on hose bibbs and on all fixtures to which hoses or tubing can be attached such as laboratory and janitor's sinks, bedpan flushing attachments, and autopsy tables.

5. Flush valves installed on plumbing fixtures shall be of a quiet operating type, equipped with silencers.

6. Bedpan flushing devices shall be provided in each patient toilet room and in the soiled workroom.

7. Hot water distribution systems shall be arranged to provide hot water at each fixture at all times.

8. An auxiliary water supply shall be available to provide potable water in emergencies.

(c) Hot water heaters and tanks:

1. The hot water heating equipment shall have a suffi-

cient capacity to supply water at the temperature and amounts indicated below:

	Use		
	Clinical	Dietary	Laundry
Gal/hr/bed	6½	4	4½
Temp. F.	125	180	180

2. Storage tank(s) shall be provided and shall be fabricated of non-corrosive metal, or lined with non-corrosive material.

(d) Drainage systems:

1. Drain lines from sinks in which acid wastes may be poured shall be fabricated from an acid-resistant material.

2. Piping over operating and delivery rooms, nurseries, food preparation centers, food serving facilities, food storage areas, and other critical areas shall be kept to a minimum and shall not be exposed. Special precautions shall be taken to protect these areas from possible leakage of necessary overhead piping systems.

3. Floor drains shall not be installed in operating and delivery rooms.

4. Building sewers shall discharge into a community sewerage system. Where such a system is not available, a facility providing sewage treatment which conforms to applicable local and state regulations is required.

(e) Fire extinguishing systems. Automatic fire extinguishing systems shall be installed in areas such as: central soiled linen holding rooms, maintenance shops, trash rooms, bulk storage, and laundry and trash chutes. Storage rooms of less than 100 square-foot area and spaces used for storage of nonhazardous materials are excluded from this requirement. Sprinkler heads shall be installed at the top and at alternate floor levels of trash and laundry chutes.

(f) Nonflammable medical gas systems. Nonflammable medical gas system installations shall be in accordance with the requirements of NFPA Standard No. 56-F as adopted by the State Fire Marshal's Office for hospitals.

(g) Plumbing approval. Prior to final licensure approval of the plans and specifications by the state licensure agency, the plumbing plans and specifications must be approved by the Division of Plumbing, Department for Housing, Buildings and Construction.

Section 30. Electrical Requirements. (1) General:

(a) All material including equipment, conductors, controls, and signaling devices shall be installed to provide a complete electrical system with the necessary characteristics and capacity to supply the electrical facilities shown in the specifications or indicated on the plans. All materials shall be listed as complying with applicable standards of Underwriters' Laboratories, Inc., or other similarly established standards.

(b) The contractor shall be responsible for testing all electrical installations and systems and shall show that the equipment is correctly installed and operates as planned or specified. A written record of tests of conductive floors, ground contact, indicators, and radiation protection shall be supplied to the owner.

(2) Special feeders and circuits. Fixed and mobile x-ray units shall be connected by means of independent feeders or circuits.

(3) Switchboard and power panels. Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to

switchboards and distribution panel-boards shall be enclosed or guarded to provide a dead front type of assembly. The main switchboard shall be located in a separate enclosure accessible only to authorized persons. The switchboard shall be convenient for use, readily accessible for maintenance, clear of traffic lanes, and in a dry ventilated space devoid of corrosive fumes or gases. Overload protective devices shall be suitable for operating properly in the ambient temperature conditions.

(4) Distribution panelboards. Lighting and appliance panelboards shall be provided for the circuits on each floor. This requirement does not apply to emergency system circuits.

(5) Lighting:

(a) All spaces occupied by people, machinery, and equipment within buildings, and the approaches thereto, and parking lots shall have electric lighting.

(b) Patients' bedrooms shall have general lighting and night lighting. A reading light shall be provided for each patient. A fixed receptacle type night light mounted approximately sixteen (16) inches above the floor, with the switch located at patient room door, shall be provided in each patient room. Patients' reading lights and other fixed lights not switched at the door shall have switch controls convenient for use at the luminaire. All switches for controls of light in patient areas shall be of the quiet operating type.

(c) Operating and delivery rooms shall have general lighting for the room in addition to local lighting provided by special lighting units at the surgical and obstetrical tables. Each special lighting unit for local lighting at tables shall be connected to an independent circuit.

(d) Provisions shall be made for the night lighting of corridors. (See Table 3, Section 31, for levels of illumination for various areas.)

(6) Receptacles. (Convenience outlets):

(a) Anesthetizing locations. Each operating, delivery, and emergency room shall have at least three (3) receptacles of the interchangeable type. In locations where mobile x-ray is used, an additional receptacle, distinctively marked for x-ray use, shall be fed by an independent ungrounded circuit.

(b) Bedroom. Each patient bedroom shall have duplex receptacles as follows: one (1) on each side of the head of each bed (for parallel adjacent beds, only one (1) receptacle is required between the beds); receptacles for luminaries and motorized beds, if used; and one (1) receptacle on another wall.

(c) Corridors. [Single polarized receptacles marked for use of x-ray only shall be located in corridors of patient areas so that mobile equipment may be used in any location within a patient room. If the same mobile x-ray unit is used in operating rooms and in nursing areas, all receptacles for x-ray use shall be of a configuration that one (1) plug will fit the receptacles in all locations. Single receptacles for equipment such as floor cleaning machines shall be installed approximately fifty (50) feet apart in all corridors and shall be polarized to prevent use interchange with x-ray receptacles.] Duplex receptacles for general use shall be installed approximately fifty (50) feet apart in all corridors and within twenty-five (25) feet of ends of corridors.

(d) Pediatric units. Receptacles in patient rooms shall be of the safety type. Receptacles in corridors shall be of safety type or shall be controlled by switches located at a nurses' station or other supervised location.

(7) Equipment installation in special areas:

(a) Installation in hazardous areas. In areas where flam-

mable anesthetic agents are used, such as operating, delivery, emergency, and anesthesia induction rooms, and rooms for storage of flammable gases, all electrical equipment and devices including receptacles, wiring and conductive flooring installations shall comply with NFPA Standard No. 36A as adopted by the State Fire Marshal's Office for hospitals.

(b) X-ray and gamma-ray installations. X-ray stationary installations and mobile equipment shall conform to the current Kentucky standards for radiographic and radioisotope equipment and use regulations applicable to hospitals.

(c) X-ray film illuminator. Viewing panels shall be installed in each operating room and in the x-ray viewing room.

(8) Nurses' calling system. For patients' use at each bed, nurses' calling stations shall be provided that will register a call from the patient at the nurses station and actuate a visual signal at the patient room door, in the clean workroom, soiled workroom, and nourishment stations of the nursing unit. In multicorridor nursing units, additional visible signals shall be installed at corridor intersections. In rooms containing two (2) or more calling stations indicating lights shall be provided at each calling station. Nurses' calling systems which provide two (2) way voice communication shall be equipped with an indicating light at each calling station which lights and remains lighted as long as the voice circuit is operating. An emergency calling station shall be provided convenient for patients' use at each patient toilet, bath, or shower room. An emergency nurses' calling station shall be provided for nurses' use in each operating, emergency, and intensive nursing care room, and wards for mental patients. In addition, an emergency nurses' call system shall be provided for nurses' use in delivery and recovery rooms, and in nurseries where adequate nursing personnel (two (2) or less) are not available to manage emergency situations.

(9) Fire alarms and fire detector systems. The design and installation of these systems must be approved by the State Fire Marshal's Office.

(10) Emergency electric service:

(a) General. To provide electricity during an interruption of the normal electric supply that could affect the medical care, treatment, or safety of the occupants, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power.

(b) Sources. The source of this emergency electric service shall be as follows:

1. An emergency generating set, when the normal service is supplied by one or more central station transmission lines;

2. An emergency generating set or a central station transmission line, when the normal electric supply is generated on the premises.

(c) Emergency generating set. The required emergency generating set, including the prime mover and generator, shall be located on the premises and shall be reserved exclusively for supplying the emergency electrical system. Exception: A system of prime movers which are ordinarily used to operate other equipment and alternately used to operate the emergency generator(s) will be permitted provided that the number and arrangement of the prime movers is such that when one (1) of them is out of service (due to breakdown or for routine maintenance), the remaining prime mover(s) can operate the required emergency generator(s) and provided that the connection time requirements described in paragraph (e) of this subsection are met. The emergency generator set shall be sufficient

kilowatt capacity to supply all lighting and power load demands of the emergency system. The power factor rating of the generator shall be not less than eighty (80) percent.

(d) Emergency electrical connections. Emergency electric service shall be provided to circuits as follows:

1. Lighting:

a. Exitways and all necessary ways of approach thereto, including exit signs and exit direction signs, exterior of exits, exit doorways, stairways, and corridors;

b. Surgical, obstetrical, and emergency room operating lights.

c. Nursery, laboratory, recovery room, intensive care areas, nursing station, medication preparation area, and labor rooms.

d. Generator set location, switch-gear location, and boiler room;

e. Elevator (if required for emergency);

f. Night light in patient rooms.

2. Equipment. Essential to life, safety and for protection of important equipment or vital materials:

a. Nurses' calling system;

b. Alarm system including fire alarm actuated at manual stations, water flow alarm devices of sprinkler system if electrically operated, fire detection systems, paging or speaker systems if intended for issuing instructions during emergency conditions, and alarms required for nonflammable medical gas systems, if installed.

c. Fire pump, if installed.

d. Receptacles for incubators for infants.

e. Pump for central suction system.

f. Sewerage or sump lift pump, if installed.

g. Receptacles for blood bank refrigerator.

h. Receptacles in operating, recovery, intensive care, and delivery rooms except those for x-ray. At least one (1) duplex receptacle in each nursery.

i. Duplex receptacles in patient corridors; and at least one (1) receptacle in each patient room.

j. One (1) elevator, where elevators are used to transport patients to operating and delivery rooms or from these rooms to nursing areas on another floor.

k. Equipment such as burners and pumps necessary for operation of one (1) or more boilers and their necessary auxiliaries and controls, required for heating and sterilization.

l. Ventilation of operating and delivery rooms.

m. Equipment necessary for maintaining telephone service.

n. One (1) electric sterilizer, if installed.

3. Heating. Where electricity is the only source of power normally used for space heating, the emergency service shall provide for heating of operating, delivery, labor, recovery, intensive care, nurseries, and patient rooms. Emergency heating of patient rooms will not be required under either of the following conditions: (i) the design temperature is higher than twenty (20) degrees Fahrenheit, based on the Median of Extremes as shown in the current edition of the ASHRAE Handbook of Fundamentals; or (ii) the hospital is supplied by at least two (2) utility service feeders, each supplied by separate generating sources, or a network distribution system fed by two (2) or more generators, with the hospital feeders so routed, connected, and protected that a fault any place between the generators and the hospital will not likely cause an interruption of more than one (1) of the hospital service feeders.

(e) Details. The emergency electrical system shall be so controlled that after interruption of the normal electric power supply, the generator is brought to full voltage and frequency and connected within ten (10) seconds through

one (1) or more primary automatic transfer switches to all emergency lighting; all alarms; blood banks; nurses' call; equipment necessary for maintaining telephone service; pump for central suction system; and receptacles in operating and delivery rooms, patient corridors, recovery rooms, intensive care nursing areas, and nurseries. All other lighting and equipment required to be connected to the emergency system shall either be connected through the above described primary automatic transfer switching or shall be subsequently connected through other automatic or manual transfer switching. Receptacles connected to the emergency system shall be distinctively marked for identification. Storage-battery-powered lights, provided to augment the emergency lighting or for continuity of lighting during the interim of transfer switching immediately following an interruption of the normal service supply, shall not be used as a substitute for the requirement of a generator. Where fuel is normally stored on the site, the storage capacity shall be sufficient for twenty-four (24) hour operation. Where fuel is normally piped underground to the site from a utility distribution system, storage facilities on the site will not be required.

Section 31.

Table 1. Sound Transmission Limitations for Partitions and Floors in General Hospitals

Table 2. Pressure Relationships and Ventilation of Certain Hospital Areas

Table 3. Lighting Levels for Hospitals

Table 1. Sound Transmission Limitations for Partitions and Floors in General Hospitals

Location	Airborne Sound Transmission Class (STC) a*		Impact Noise Rating (INR) b*
	Partitions	Floors	Floors
Patients' room to patients' room	45	45	Minus 2
Corridor to patients' room	40	45	Plus 5c*
Public space to patients' room d*	50	50	Plus 5c*
Service areas to patients' room e*	55	55	Plus 10c*

a* Sound transmission class (STC) shall be determined by tests in accordance with methods set forth by the American Society of Testing and Materials, Standard E90-70, filed herein by reference.

b* Impact noise rating (INR) shall be determined in accordance with criteria set forth in HUD-TS-24 "A Guide to Airborne Impact and Structureborne Noise Control in Multifamily Dwellings" filed herein by reference.

c* Impact noise limitation applicable only when corridor, public space, or service area is over patients' room.

d* Public space includes lobbies, dining rooms, recreation rooms, treatment rooms, and similar spaces.

e* Service areas include kitchens, elevators, elevator machine rooms, laundries, garages, maintenance rooms, boiler and mechanical equipment rooms, and similar space of high noise or vibration or both. Mechanical equipment located on the same floor or above patients' rooms, offices, nurses' stations, and similar occupied spaces shall be effectively isolated from such spaces with respect to noise and vibration.

Note: The requirements set forth in this table assume installation methods which will not appreciably reduce the efficiency of the assembly as tested. Location of electrical receptacles, grilles, ductwork, and other mechanical items, and blocking and sealing of partitions at floors and ceilings shall not compromise the sound isolation required.

Table 2. Pressure Relationships and Ventilation of Certain Hospital Areas

Area Designation	Pressure Relationship to Adjacent Areas	All Supply Air From Outdoors	Minimum Air Changes of Outdoor Air per Hour
Operating room	P	—	5
Emergency operating room	P	—	5
Delivery room	P	—	5
Nursery	P	—	5
Recovery	O	—	2
Intensive Care	P	—	2
Patient room	O	—	2
Patient area corridor	O	—	2
Isolation room	O	—	2
Isolation anteroom	O	—	2
Treatment room	O	—	2
X-ray, fluoroscopy room	N	—	2
X-ray, treatment room	O	—	2
Physical therapy and hydrotherapy	N	—	2
Soiled workroom	N	—	2
Clean workroom	P	—	2
Autopsy and darkroom	N	—	2
Toilet room	N	—	—
Bedpan room	N	—	—
Bathroom	N	—	—
Janitor's closet	N	—	—
Sterilizer equipment room	N	—	—
Linen and trash chute rooms	N	—	—
Laboratory, general (1)	N	—	2
Laboratory, media transfer (2)	P	—	2
Food preparation centers (3)	O	—	2
Dishwashing room	N	—	—
Dietary dry storage	O	—	—
Laundry, general	O	—	2
Soiled linen sorting and storage	N	—	—
Clean linen storage	P	—	2
Anesthesia storage (4)	O	—	—
Central medical and surgical supply: Soiled or decontamination room	N	—	2
Clean workroom	P	—	2
Unsterile supply storage	O	—	2

P = Positive N = Negative O = Equal — = Optional

(1) See Sec. 29(4)(b)14. and Sec. 29(4)(b)15. for additional requirements.

(2) See Sec. 29(4)(b)18. for additional requirements.

(3) See Sec. 29(4)(b)18. for exceptions.

(4) See Sec. 29(4)(b)19. for additional requirements.

Area Designation	Minimum Total Air Changes Per Hour	All Air Exhausted Directly to Outdoors	Recirculated Within Room
Operating room	12	—	No
Emergency operating room	12	—	No
Delivery room	12	—	No
Nursery	12	—	No
Recovery	6	Yes	No
Intensive care	6	—	No
Patient room	2	—	—
Patient area corridor	4	—	—
Isolation room	6	Yes	No
Isolation anteroom	6	Yes	No
Treatment room	6	—	No
X-ray, fluoroscopy room	6	Yes	No
X-ray, treatment room	6	—	—
Physical therapy and hydrotherapy	6	—	—
Soiled workroom	4	—	No
Clean workroom	4	—	—
Autopsy and darkroom	12	Yes	No
Toilet room	10	Yes	No
Bedpan room	10	Yes	No
Bathroom	10	Yes	No
Janitor's closet	10	Yes	No
Sterilizer equipment room	10	Yes	No
Linen and trash chute rooms	10	Yes	No
Laboratory, general (1)	6	—	—
Laboratory, media transfer (2)	4	—	No
Food preparation centers (3)	10	Yes	No
Dishwashing room	10	Yes	No
Dietary dry storage	2	—	No
Laundry, general	10	Yes	No
Soiled linen sorting and storage	10	Yes	No
Clean linen storage	2	—	—
Anesthesia storage (4)	8	Yes	No
Central medical and surgical supply:			
Soiled or decontamination room	4	—	No
Clean workroom	4	—	—
Unsterile supply storage	2	—	—

Table 3. Lighting Levels for Hospitals

Area	Footcandles*
Administrative and lobby areas, day	50
Administrative and lobby areas, night	20
Barber and beautician areas	50
Chapel or quiet area	30
Corridors and interior ramps	20
Corridor night lighting	3
Dining area and kitchen	30
Doorways	10
Examination and treatment room	
General	50
Examining table	100
Exit stairways and landings	5
Janitor's closet	15
Nurses' station, general, day	50
Nurses' station, general, night	20
Nurses' desk, for charts and records	70
Nurses' medicine cabinet	100
Occupational therapy	30
Patient care unit (or room), general	10
Patient care room, reading	30
Patient care room, night light (variable)	.5 to 1.5
Physical therapy	20
Recreation area (floor level)	50
Stairways other than exits	30
Toilet and bathing facilities	30
Utility room, general	20
Utility room, work counter	50
Worktable, (occupational therapy, etc.)	100

*Minimum on task at anytime.

MASON C. RUDD, Chairman

ADOPTED: April 21, 1980

RECEIVED BY LRC: May 6, 1980 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mason C. Rudd, Chairman, Kentucky Health Facilities and Health Services, Certificate of Need and Licensure Board, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES

Bureau for Health Services

Certificate of Need and Licensure Board
(Proposed Amendment)

902 KAR 20:020. *Skilled nursing* [Extended care and recuperation center] facilities; *construction and alteration*.

RELATES TO: KRS 216.405 to 216.485, 216.990(2)

PURSUANT TO: KRS 13.082, 216.425

NECESSITY AND FUNCTION: This regulation, which relates to the construction and alteration of *Skilled Nursing* [Extended Care and Recuperation Center] Facilities, is being promulgated pursuant to the mandate of KRS 216.425(3) that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services.

Section 1. Definition: *Skilled Nursing* [Extended Care and Recuperation Center] Facilities, General. Establishments with organized medical staffs; with permanent facilities that include inpatient beds; and with medical

services, to provide treatment for patients who require inpatient care but are not in an acute phase of illness, who currently require primarily convalescent or restorative services, and who have a variety of medical conditions.

Section 2. Essential Characteristics for Classification.

(1) The primary function of the institution is to provide treatment for patients who require inpatient care but who are not in an acute phase of illness; who currently require primarily convalescent or restorative services; and who have a variety of medical conditions.

(2) There are arrangements for transfer of patients in need of hospital care for acute phases of illness.

(3) The institution maintains inpatient beds.

(4) There is a governing authority legally responsible for the conduct of the institution.

(5) There is an administrator to whom the governing authority delegates the full-time responsibility for the operation of the institution in accordance with established policy.

(6) There is an organized medical staff of the institution, or one that serves the institution through an affiliation, to which the governing authority delegates responsibility for maintaining proper standards of medical care.

(7) Each patient is admitted on the medical authority of, and is under the supervision of, a physician.

(8) A current and complete medical record is maintained for each patient.

(9) Registered professional nurse supervision and other nursing services are continuous.

(10) Diagnostic x-ray service and clinical laboratory service are regularly and conveniently available.

(11) There is control of the storage and dispensing of controlled substances and other medication.

(12) Food served to patients meets their nutritional requirements, and special diets are regularly available.

Section 3. Preparation of Plans and Specifications. (1) Before construction is begun for the erection of new buildings or alterations to existing buildings or any change in facilities, for a nursing home, the licensee or applicant shall submit plans to the licensing agency for approval.

(2) Architectural drawings must bear the seal of an architect registered in the Commonwealth of Kentucky and mechanical and electrical drawings must bear the seal of a professional engineer registered in the Commonwealth of Kentucky.

(3) Drawings shall not exceed thirty-six (36) inches by forty-six (46) inches when trimmed.

Section 4. Submission of Plans and Specifications. (1) First stage; schematic plans:

(a) Single line drawings of each floor shall show the relationship of the various departments or services to each other and the room arrangement in each department. The name of each room shall be noted. Drawings shall include typical patient room layouts (scaled $\frac{1}{4}" = 1'0"$) with dimensions noted. The proposed roads and walks, service and entrance courts, parking and orientation shall be shown in a plot plan.

(b) If the project is an addition, or is otherwise related to existing buildings on the site, the plans shall show the facilities and general arrangements of those buildings.

(2) Second stage; preliminary plans. Preliminary sketch plans shall include the following:

(a) Architectural:

1. Plans of basement, floors, and roof showing space assignment sizes and outline of fixed and movable equipment;

2. All elevations and typical sections;

3. Plot plan showing roads, parking, and sidewalks;

4. Areas and bed capacities by floors.

(b) Mechanical:

1. Single line layout of all duct and piping systems;

2. Riser diagrams for multistory construction;

3. Scale layout of boilers and major associated equipment and central heating, cooling, and ventilating units.

(c) Electrical:

1. Plans showing space assignment, sizes and outlines of fixed equipment, such as transformers, main switch and switchboards, and generator sets;

2. Simple riser diagram for multistory building construction, showing arrangement of feeders, subfeeders, bus work, load centers, and branch circuit panels.

(d) Outline specifications:

1. General description of the construction, including interior finishes, types and locations of acoustical material, and special floor covering;

2. Description of the air-conditioning, heating, and ventilation systems and their controls, duct and piping systems; and dietary, laundry, sterilizing, and other special equipment;

3. General description of electrical service including voltage, number of feeders, and whether feeders are overhead or underground.

(3) Third stage; contract documents:

(a) Working drawings. Working drawings shall be complete and adequate for bid, contract, and construction purposes. Drawings shall be prepared for each of the following branches of the work: architectural, structural, mechanical, and electrical. They shall include the following:

1. Architectural drawings:

a. Approach plan showing all new topography, newly established levels and grades, existing structures on the site (if any), new building structures, roadways, walks, and parking areas;

b. Plan of each basement, floor and roof;

c. Elevations of each facade;

d. Sections through building;

e. Required scale and full-size details;

f. Schedule of doors, windows, and room finishes;

g. Equipment. Location of all fixed equipment. Layout of typical and special rooms indicating all fixed equipment and major items of movable equipment. Equipment not included in contract shall be so indicated;

h. Conveying systems. Details of construction machine and control spaces necessary, size and type of equipment, and utility requirements for the following: dumbwaiters; electric, hand, hydraulic; elevators: freight, passenger, patient; loading dock devices; pneumatic tube systems.

2. Structural drawings:

a. Plans for foundations, floors, roofs, and all intermediate levels with sizes, sections, and the relative location of the various structural members;

b. Dimensions of special openings;

c. Details of all special connections, assemblies, and expansion joints.

3. Mechanical drawings:

a. Heating, steam piping, and air-conditioning systems. Radiators and steam heated equipment, such as sterilizers, warmers, and steam tables; heating and steam mains and branches with pipe sizes; diagram of heating and steam risers with pipe sizes, sizes types, and capacities of boilers, furnaces, hot water heaters with stokers, oil burners, or gas burners; pumps, tanks, boiler breeching, and piping and boiler room accessories; air-conditioning systems with required equipment, water and refrigerant piping, and ducts;

supply and exhaust ventilation systems with heating/cooling connections and piping; air quantities for all room supply and exhaust ventilating duct openings.

b. Plumbing, drainage, and standpipe systems. Size and elevation of: street sewer, house sewer, house drains, street water main, and water service into the building; location and size of soil, waste, and water service with connections to house drains, clean-outs, fixtures, and equipment; size and location of hot, cold and circulating branches, and risers from the service entrance, and tanks; riser diagram of all plumbing stacks with vents, water risers, and fixture connections; gas, oxygen, and vacuum systems; standpipe and sprinkler systems where required; all fixtures and equipment that require water and drain connections.

4. Electrical drawings:

a. Electrical service entrance with switches and feeders to the public service feeders, characteristics of the light and power current, transformers and their connections if located in the building;

b. Location of main switchboard, power panels, light panels, and equipment. Diagram of feeders and conduits with schedule of feeder breakers or switches;

c. Light outlets, receptacles, switches, power outlets, and circuits;

d. Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets, and branch conduits;

e. Nurses' call systems with outlets for beds, duty stations, door signal light, annunciators, and wiring diagrams;

f. Emergency electrical system with outlets, transfer switch, sources of supply, feeders, and circuits;

g. All other electrically operated systems and equipment.

(b) Specifications. Specifications shall supplement the drawings to fully describe types, sizes, capacities, workmanship, finishes and other characteristics of all materials and equipment and shall include:

1. Cover or title sheet;

2. Index;

3. Sections describing materials and workmanship in detail for each class of work;

4. General conditions, which must contain the following requirements: Access to the work. Representatives of the appropriate state agencies will have access at all reasonable times to the work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

(4) Fourth stage. All plans and specifications must be approved by the State Fire Marshal's Office and the state licensure agency prior to commencement of construction.

Section 5. Code and Standards. (1) General. Nothing stated herein shall relieve the sponsor from compliance with building codes, ordinances, and regulations which are enforced by city, county, or state jurisdictions.

(2) The following codes and standards will apply where applicable and as adopted by the respective agency authority:

(a) Current Kentucky standards of safety regulations applicable to extended care and recuperation center facilities.

(b) Current Kentucky plumbing standards regulations applicable to extended care and recuperation center facilities.

(c) Current Kentucky standards for air contaminants for incinerators regulations applicable to extended care and recuperation center facilities.

(d) Current Kentucky standards for elevators regulations

applicable to extended care and recuperation center facilities.

(3) Prior to occupancy, facility must have final approval from appropriate agencies.

Section 6. Facility Requirements and Special Conditions. (1) This regulation, except Section 5 which may be administered independent from this regulation, apply to the construction of new facilities and facilities that are being converted to *skilled nursing* [extended care and recuperation center] facilities. Existing facilities will be expected to make a concerted and demonstrated effort to fully comply with this regulation and must prove to the satisfaction of the board that there are valid, reasonable, and specific justification for not being in full compliance. The board, however, reserves the right to establish deadlines for compliance to standards of significant importance as determined by the board.

(2) Facilities shall be available to the public, staff, and patients who may be physically handicapped with special attention given to ramps, drinking fountain height, tilted mirrors, etc.

(3) The number of beds in a nursing unit shall not exceed sixty (60) unless additional services are provided, as deemed necessary by the state agency. At least two (2) rooms per nursing unit shall be designed for single person occupancy (one (1) bed) and shall have private toilet rooms with bath. At least sixty (60) percent of the beds shall be located in rooms designed for one (1) or two (2) beds.

Section 7. Nursing Unit. (1) Patient Rooms. Each patient room shall meet the following requirements:

(a) Maximum room capacity: four (4) residents;

(b) Minimum room area exclusive of closet, toilet rooms, lockers, wardrobes, and vestibules: 100 square feet in one (1) bed rooms and eight (80) square feet per bed in multibed rooms;

(c) Multibed rooms shall be designed to permit no more than two (2) beds side by side parallel to the window wall. Not less than a four (4) foot space shall be provided between beds, and at least three (3) foot space between the side of a bed and the nearest wall, fixed cabinet, or heating/cooling element. A minimum of four (4) feet is required between foot of bed and opposite wall, or foot of opposite bed in multibed rooms;

(d) Window. All patient rooms must have windows opening to the outside. Sill shall not be higher than three (3) feet above the floor and shall be above grade. Window area to be at least ten (10) percent of patient room floor area;

(e) Nurses' calling station(s), (See Section 17(6));

(f) Lavatory. In single and two (2) bed rooms with private toilet room, the lavatory may be located in the toilet room. Where two (2) patient rooms share a common toilet, a lavatory shall be provided in each patient room;

(g) Wardrobe or closet for each patient. Minimum clear dimensions: one (1) foot and ten (10) inches deep by one (1) foot and eight (8) inches wide with full length hanging space; provide clothes rod and shelf;

(h) Cubicle curtains, or equivalent built-in devices, for complete privacy for each patient at any one time in multibed rooms;

(i) No patient room shall be located more than 120 feet from the nurses' station, the clean workroom, and the soiled workroom. No room shall be used as a patient room where the access is through another patient's room.

(2) Patient toilet rooms:

(a) A toilet room shall be directly accessible from each

patient room and from each central bathing area without going through the general corridor. One (1) toilet room may serve two (2) patient rooms but not more than four (4) beds. The minimum dimensions of any room containing only a water closet shall be three (3) feet by five (5) feet; bedpan flushing devices must be provided in each toilet room.

(b) Water closets must be easily usable by wheelchair patients. Grab bars shall be provided at all water closets.

(c) At least one (1) toilet for each sex shall be provided for training purposes and access by wheelchairs. This shall be accessible from the nursing corridor and may be part of the bathing area. Minimum size, five (5) feet by six (6) feet.

(d) Doors to toilet rooms shall have a minimum width of two (2) feet and ten (10) inches to admit a wheelchair.

(3) Service areas in each nursing unit. The size of each service area will depend on the number and types of beds within the unit and shall include:

(a) Nurses' station. For nurses' charting, doctors' charting, communications, and storage for supplies and nurses' personal effects;

(b) Nurses' toilet room. Convenient to nurses' station;

(c) Clean workroom. For storage and assembly of supplies for nursing procedures; shall contain work counter and sinks, and small sterilizer;

(d) Soiled workroom. Shall contain clinical sink, work counter with two compartment sink, waste receptacles, and soiled linen receptacles; and a bedpan washing device;

(e) Medicine room. Adjacent to nurses' station; with sink, refrigerator, locked storage, and facilities for preparation and dispensing of medication. (May be designated area within clean workroom if a self-contained cabinet is provided.) Controlled substances locker must be under double lock and wired to warning light at nurses' station;

(f) Clean linen storage. Enclosed storage space. (May be a designated area within the clean workroom.);

(g) Nourishment station. Storage space, sink, hot plate and refrigerator for serving between-meal nourishments. (May serve more than one (1) nursing unit on the same floor.);

(h) Equipment storage room. For storage of "IV" stands, inhalators, air mattresses, walkers, and similar bulky equipment;

(i) Patient baths. Provide separate bathing facilities for each sex. One (1) shower stall or one (1) bathtub required for each fifteen (15) beds not individually served. There shall be at least one (1) free standing bathtub in each bathroom. Grab bars shall be provided at all bathing fixtures. Each bathtub or shower enclosure in central bathing facilities shall provide space for the private use of bathing fixture, for dressing, and for a wheelchair and attendant. Showers in central bathing facilities shall not be less than four (4) feet square, without curbs, and designed to permit use from a wheelchair. Soap dishes in showers and bathrooms shall be recessed. (See training toilet requirement below);

(j) Stretcher and wheelchair parking area or alcove;

(k) Janitor's closet. Storage of housekeeping supplies and equipment. Floor receptor or service sink.

(4) Special purpose room(s). For consultation, examination and treatment, and therapeutic and nursing procedures. May serve more than one (1) nursing unit on the same floor. Provide lavatory, storage, and space for treatment table. Minimum floor area nine (9) feet by eleven (11) feet.

(5) Patient's dining, TV viewing and recreation areas:

(a) The total areas set aside for these purposes shall be

not less than thirty (30) square feet per bed for the first fifty (50) beds and twenty (20) square feet per bed for all beds in excess of fifty (50). Additional space shall be provided for outpatients if they participate in a day care program;

(b) Storage shall be provided for recreational equipment and supplies. (Wall cabinets and closets.)

Section 8. Therapy Units. (1) Physical therapy unit. Recommended if staffing available. The following shall be provided (depending on the program):

(a) Office. (May also serve for occupational therapy office);

(b) Exercise and treatment areas. Provide sink or lavatory and cubicle curtains around treatment areas;

(c) Hydrotherapy areas. Provide cubicle curtains around treatment areas;

(d) Storage for supplies and equipment;

(e) Toilet rooms. Located for convenient access by physical therapy patients. (May also serve occupational therapy patients.);

(2) Occupational therapy unit. May be omitted in facilities of less than 100 beds.

(a) Office space. (May be shared with physical therapy office.);

(b) Therapy area. Provide sink or lavatory;

(c) Storage for supplies and equipment;

(d) Toilet room. (Not required if other toilet facilities are convenient.).

(3) Personal care room. Provide space with shampoo sink and space for barber chair.

Section 9. Dietary Department. If a commercial service will be used or meals will be provided by an adjacent hospital, dietary areas and equipment shall be designed to accommodate the requirements for sanitary storage, processing, and handling, otherwise the following will be provided:

(1) Food preparation center. Provide lavatory but do not provide mirror;

(2) Food serving facilities. For patients and staff;

(3) Dishwashing room. Provide commercial-type dishwashing equipment and a lavatory;

(4) Potwashing facilities;

(5) Refrigerated storage. Three (3) day supply;

(6) Dry storage. Three (3) day supply;

(7) Cart cleaning facilities;

(8) Cart storage area;

(9) Waste disposal facilities;

(10) Canwashing facilities;

(11) Staff dining facilities;

(12) Patient dining facilities; (See Section 7(5).)

(13) Dietician's office. (May be omitted in facilities with less than 100 beds if desk space is provided in kitchen.);

(14) Janitor's closet. Storage for housekeeping supplies and equipment; floor receptor or service sink;

(15) Toilet room. Conveniently accessible for dietary staff. Must have two (2) door separation from food preparation area or dining areas.

Section 10. Administration Department. (1) Business office;

(2) Lobby and information center;

(3) Administrator's office;

(4) Admitting and medical records areas;

(5) Public and staff toilet rooms;

(6) Director of nurses' office. (May be omitted in facilities of less than 100 beds.)

(7) Housekeeper's office or space. (Location optional)

and may be combined with clean linen room in nursing homes of less than 100 beds.)

- Section 11. Laundry. (1) Soiled linen room;
 (2) Clean linen and mending room;
 (3) Linen cart storage;
 (4) Lavatories. Accessible from soiled, clean, and processing rooms;
 (5) Laundry processing room. Commercial type equipment shall be sufficient to take care of seven (7) days needs within the workweek;
 (6) Janitor's closet. Storage for housekeeping supplies and equipment; floor receptor or service sink;
 (7) Storage for laundry supplies. (Items of subsections (5), (6), and (7) need not be provided if laundry is processed outside the facility.)

- Section 12. Storage and Service Areas. (1) Central storage room(s). Provide at least ten (10) square feet per bed for first fifty (50) beds; and five (5) square feet per bed for all beds over fifty (50), to be concentrated in one area.
 (2) Locker rooms. Provide locker rooms with water closets, and lavatories for staff and volunteers and rest space for females.
 (3) Engineering service and equipment areas. The following shall be provided:
 (a) Boiler room;
 (b) Engineer's office. (May be omitted in nursing homes of less than 100 beds.);
 (c) Mechanical and electrical equipment room(s). (Can be combined with boiler room.);
 (d) Maintenance shop(s). At least one (1) room shall be provided;
 (e) Storage room for building maintenance supplies and paint storage;
 (f) Storage room for housekeeping equipment. (Need not be provided if space is available in janitor's closets or elsewhere.);
 (g) Toilet and shower rooms. (May be omitted in facilities of less than 100 beds.);
 (h) Incinerator space. The incinerator if required shall be in a separate room, or in a designated area within the boiler room, or outdoors;
 (i) Refuse room. For holding trash prior to disposal. Shall be located convenient to service entrance;
 (j) Yard equipment storage room. For yard maintenance equipment and supplies.

Section 13. Details and Finishes. A high degree of safety for the occupants in minimizing the incidence of accidents shall be provided. Hazards such as sharp corners shall be avoided. All details and finishes shall meet the following requirements: (1) Details:

- (a) Required egress corridors and corridors used in transporting patients shall have a minimum width of eight (8) feet. Minimum width of doors to all rooms needing access for beds or stretchers shall be three (3) feet and eight (8) inches. Doors to patient toilet rooms and other rooms needing access for wheelchairs shall have a minimum width of two (2) feet and ten (10) inches.
 (b) Such items as drinking fountains, telephone booths and vending machines shall be located so that they do not project into the required width of exit corridors.
 (c) Handrails with ends returned to the walls shall be provided on both sides of corridors used by patients in nursing homes with a clear distance of one and one-half (1½) inches between handrail and wall.
 (d) All doors to patient room toilet rooms and patient

room bathrooms shall swing outward or shall be equipped with hardware which will permit access in any emergency.

(e) All doors opening onto corridors shall be swing-type except elevator doors. Alcoves and similar spaces which generally do not require doors are excluded from this requirement.

(f) No doors shall swing into the corridor except closet doors.

(g) Thresholds and expansion joint covers, if used, shall be flush with the floor.

(h) Grab bars and accessories in patient toilet, shower, and bath rooms shall have sufficient strength and anchorage to sustain a load of 250 pounds for five (5) minutes.

(i) Lavatories intended for use by patients shall be installed to permit wheelchairs to slide under.

(j) The location and arrangement of lavatories and sinks with blade handles intended for handwashing purposes shall provide sixteen (16) inches clearance each side of center line of fixture.

(k) Mirrors shall be arranged for convenient use by patients in wheelchairs as well as by patients in standing position.

(l) Towel dispensers shall be provided at all lavatories and sinks used for handwashing.

(m) If linen and refuse chutes are used, they shall be designed as follows:

1. Minimum diameter of gravity-type chutes shall be two (2) feet;

2. Chutes shall extend at least four (4) feet above the roof and shall be covered by a metal skylight glazed with thin plain glass or plastic.

(n) Ceiling heights:

1. Boiler room. Not less than two (2) feet and six (6) inches above the main boiler header and connecting piping with adequate headroom under piping for maintenance and access; nine (9) feet minimum;

2. Corridors, storage rooms, patients' toilet room, and other minor rooms. Not less than seven (7) feet and six (6) inches.

3. All other rooms. Not less than eight (8) feet.

(o) Boiler room, food preparation centers, and laundries shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of eighty-five (85) degrees Fahrenheit.

(p) Noise reduction criteria. The ceilings of the following areas shall be acoustically treated:

1. Corridors in patient areas;
2. Nurses' stations;
3. Utility rooms;
4. Floor pantries;
5. Lobbies and recreation areas.

(q) Special attention shall be given to sound transmission from boiler rooms, mechanical rooms, and kitchen, to patient bedroom areas.

(2) Finishes:

(a) Floors generally shall be easily cleanable and shall have the wear resistance appropriate for the location involved. Floors in kitchen and related spaces shall be waterproof and greaseproof. In all areas where floors are subject to wetting, they shall have a nonslip finish. Carpeting is not permitted in the following areas: kitchen, dishwashing room, soiled utility room, janitor's closet, soiled linen rooms, storage room, bathrooms, public toilet rooms, patient toilet rooms, hydrotherapy rooms, treatment room, and any other room where the floor is subject to repeated wetting or soiling by urine or feces.

(b) Adjacent dissimilar floor materials shall be flush with each other to provide an unbroken surface.

(c) Walls generally shall be washable and in the immediate area of plumbing fixtures, the finish shall be moistureproof. Wall bases in dietary areas shall be free of spaces that can harbor insects.

(d) Ceilings generally shall be washable or easily cleanable. This requirement does not apply to boiler rooms, mechanical and building equipment rooms, shops and similar spaces.

(e) For acoustic ceilings, see Section 13(1)(r).

Section 14. Elevators. (1) Elevators, where required. All facilities where either patient beds or inpatient facilities such as diagnostic, recreation, patient dining or therapy rooms are located on other than the first floor, shall have electric or electrohydraulic elevators as follows:

(a) Number of elevators:

1. At least one (1) hospital-type elevator shall be installed where one (1) to fifty-nine (59) patient beds are located on any floor other than the first. (For purposes of these requirements, the first floor is that floor first reached from the main front entrance.);

2. At least two (2) elevators, one (1) of which shall be hospital-type, shall be installed where sixty (60) to 200 patient beds are located on floors, other than the first, or where inpatient facilities are located on a floor other than those containing the patient beds;

3. At least three (3) elevators, one (1) of which shall be hospital-type, shall be installed where 201 to 350 patient beds are located on floors other than the first, or where inpatient facilities are located on a floor other than those containing patient beds;

4. For facilities with more than 350 beds, the number of elevators shall be determined from a study of the facility plan and the estimated vertical transportation requirements.

(b) Cars and platforms. Cars of hospital-type elevators shall have inside dimensions that will accommodate a patient's bed and attendants and shall be at least five (5) feet wide by seven (7) feet and six (6) inches deep; car doors shall have a clear opening of not less than three (3) feet and eight (8) inches. Cars of all other required elevators shall have a clear opening of not less than three (3) feet.

(c) Leveling. Elevators shall have automatic leveling of the two (2) way automatic maintaining type with accuracy within plus or minus one-half ($\frac{1}{2}$) inch.

(d) Operation. Elevators (except freight elevators) shall be equipped with a two (2) way special service switch to permit cars to bypass all landing button calls and be dispatched directly to any floor.

(2) Field inspection and tests. The contractor shall be required to cause inspections and tests to be made and shall deliver to the owner written certification that the installation meets the requirements set forth in this section.

Section 15. Construction. Foundations shall rest on natural solid ground if a satisfactory soil is available at reasonable depths. Proper soil bearing values shall be established in accordance with recognized standards. If solid ground is not encountered at practical depths, the structure shall be supported on driven piles or drilled piers designed to support the intended load without detrimental settlement.

Section 16. Mechanical Requirements. (1) General. Prior to completion of the contract and final acceptance of the facility, the architect and/or engineer shall obtain from the contractor certification that all mechanical systems have been tested and that the installation and performance

of these systems conform to the requirements of the plans and specifications.

(2) Incinerators and refuse chutes. Incinerators shall be gas, electric, or oil-fired and shall be capable of, but need not be limited to complete destruction of pathological wastes. The design and installation must comply with current regulations for incinerators and air contaminants applicable to extended care and recuperation center facilities.

(3) Steam and hot water systems:

(a) Boilers. If boilers are used, a minimum of two (2) must be provided; the combined capacity of boilers, based upon the published Steel Boiler Institute or Institute of Boiler and Radiator Manufacture's net rating, must be able to supply 150 percent of the normal requirements of all systems and equipment.

(b) Boiler accessories. Boiler feed pumps, condensate return pumps, fuel oil pumps, and circulating pumps shall be connected and installed to provide standby service when any pump breaks down.

(c) Valves. Supply and return mains and risers of space heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply return end.

(4) Air-conditioning, heating, and ventilating systems.

(a) Temperatures. A minimum temperature of seventy-five (75) degrees Fahrenheit shall be provided for all occupied areas at winter design conditions.

(b) Ventilation system details. All air-supply and air-exhaust systems shall be mechanically operated. All fans serving exhaust systems shall be located at the discharge end of the system. The ventilation rates shown on Table 1, Section 18, shall be considered as minimum acceptable rates and shall not be construed as precluding the use of higher ventilation rates if they are required to meet design conditions.

1. Outdoor ventilation air intakes, other than for individual room units, shall be located as far away as practicable but not less than twenty-five (25) feet from any ventilating system or combustion equipment. The bottom of outdoor intakes serving central air systems shall be located as high as possible but not less than eight (8) feet above the ground level or, if installed through the roof, three (3) feet above roof level.

2. The ventilation systems shall be designed and balanced to provide the general pressure relationship to adjacent areas as shown in Table 1, Section 18.

3. Room supply air inlets, recirculation, and exhaust air outlets installed in nonsensitive areas shall be located not less than three (3) inches above the floor.

4. Corridors shall not be used to supply air to or exhaust air from any room, except that exhaust air from corridors may be used to ventilate bathrooms, toilet rooms, or janitor's closets opening directly on corridors.

5. Filters. Central systems designed for recirculation of air shall be equipped with a minimum of two (2) filter beds. Filter bed # 1 shall be located upstream of the conditioning equipment and shall have a minimum efficiency of thirty (30) percent. Filter bed # 2 shall be located downstream of the conditioning equipment and shall have a minimum efficiency of ninety (90) percent. Central air systems using 100 percent outdoor air shall be provided with filters rated at eighty (80) percent efficiency. The above filter efficiencies shall be warranted by the manufacturer and shall be based on the National Bureau of Standards Dust Spot Test Method with Atmospheric Dust.

a. The exhausts from all laboratory hoods in which infectious or radioactive materials are processed shall be equipped with filters having a ninety-nine (99) percent efficiency based on the DOP (dioctylphthalate) test method.

b. Filter frames shall be durable and carefully dimensioned and shall provide an air-tight fit with the enclosing ductwork. All joints between filter segments and the enclosing ductwork shall be gasketed and sealed to provide a positive seal against air leakage.

6. A manometer shall be installed across each filter bed serving central air systems.

7. Ducts shall be constructed of iron, steel, aluminum, or other approved metal or materials such as clay or asbestos cement.

8. Cold-air ducts shall be insulated wherever necessary to maintain the efficiency of the system or to minimize condensation problems.

9. The air from dining areas may be used to ventilate the food preparation areas only after it has passed through a filter with eighty (80) percent efficiency.

10. Exhaust hoods in food preparation centers shall have a minimum exhaust rate of 100 cubic feet per minute per square foot of hood face area. All hoods over cooking ranges shall be equipped with fire extinguishing systems and heat-actuated fan controls. Clean-out openings shall be provided every twenty (20) feet in horizontal exhaust duct systems serving hoods.

11. Boiler rooms shall be provided with sufficient outdoor air to maintain combustion rates of equipment and reasonable temperatures in the rooms and in adjoining areas.

12. See Section 13(1)(p) for additional boiler room, food preparation center, and laundry ventilation requirements.

(5) Plumbing and other piping systems. All plumbing systems shall be installed in accordance with the requirements of current Kentucky plumbing standards regulations applicable to *skilled nursing* [extended care and recuperation center] facilities.

(a) Lavatories and sinks required in patient care areas shall have the water supply spout mounted so that its discharge point is a minimum distance of five (5) inches above the rim of the fixture. All fixtures used by medical and nursing staff, and all lavatories used by patients and food handlers shall be trimmed with valves which can be operated without the use of hands. Where blade handles are used for this purpose, they shall not exceed four and one-half (4½) inches in length, except that handles on clinical sinks shall be not less than six (6) inches long.

(b) Clinical sinks shall have an integral trap in which the upper portion of a visible trap seal provides a water surface.

(6) Water supply system:

(a) Systems shall be designed to supply water to the fixtures and equipment on the upper floors at a minimum pressure of fifteen (15) pounds per square inch during maximum demand periods.

(b) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.

(c) Hot, cold and chilled water piping and waste piping on which condensation may occur shall be insulated. Insulation of cold and chilled water lines shall include an exterior vapor barrier.

(d) Backflow preventers (vacuum breakers) shall be installed on hose bibbs and on all fixtures to which hoses or tubing can be attached such as janitor's sinks and bedpan flushing attachments.

(e) Flush valves installed on plumbing fixtures shall be of a quiet operating type, equipped with silencers.

(f) Bedpan flushing devices. (See Section 7(2)(a).)

(g) Hot water distribution systems shall be arranged to provide hot water at each fixture at all times.

(h) Plumbing fixtures which require hot water and which are intended for patient use shall be supplied with water which is controlled to provide a maximum water temperature of 110 degrees Fahrenheit at the fixture.

(i) Piping over food preparation centers, food serving facilities, food storage areas, and other critical areas shall be kept to a minimum and shall not be exposed. Special precautions shall be taken to protect these areas from possible leakage of, or condensation from, necessary overhead piping systems.

(7) Hot water heaters and tanks:

(a) The hot water heating equipment shall have sufficient capacity to supply the water at the temperature and amounts indicated below:

	Use		
	Clinical	Dietary	Laundry
Gal/hr/bed	6½	4	4½
Temp. F.	110	180	180

(b) Storage tank(s) shall be provided and shall be fabricated of corrosion-resistant metal, or have non-corrosive lining.

(8) Fire extinguishing systems. Automatic fire extinguishing systems shall be installed in areas such as: central soiled linen holding rooms, maintenance shops, trash rooms, bulk storage rooms, attics accessible for storage. Storage room of less than 100 square foot area and spaces used for storage of nonhazardous materials are excluded from this requirement. Sprinkler heads shall be installed at the top and at alternate floor levels of trash and laundry chutes.

(9) Plumbing approval. Prior to final approval of the plans and specifications by the state licensure agency, the plumbing plans and specifications must be approved by the Division of Plumbing, Department of Housing, Buildings and Construction.

Section 17. Electrical requirements. (1) General:

(a) All materials including equipment, conductors, controls, and signaling devices shall be installed to provide a complete electrical system with the necessary characteristics and capacity to supply the electrical facilities shown in the specifications or indicated on the plans. All materials shall be listed as complying with applicable standards of Underwriters' Laboratories, Inc., or other similarly established standards.

(b) The contractor shall be responsible for testing all electrical installations and systems and shall show that the equipment is correctly installed and operated as planned or specified.

(c) The electrical installations must conform to local codes where they exist or to the National Electrical Code (see Section 5(2)). Inspections and final approval must be obtained from the State Fire Marshal's Office.

(2) Switchboard and power panels. Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to switchboard and distribution panelboards shall be enclosed or guarded to provide a dead-front type assembly. The main switchboard shall be located in a separate enclosure accessible only to authorized persons. The switchboard shall be convenient for use, readily accessible for maintenance, clear of traffic lanes, and in a dry ventilated space devoid of corrosive fumes or gases. Overload protective devices shall be suitable for operating properly in the ambient temperature conditions. All breakers and switches are to be indexed.

(3) Distribution panelboards. Lighting and appliance panelboards shall be provided for the circuits on each floor. All circuits are to be indexed at panelboard. This requirement does not apply to emergency system circuits.

(4) Lighting:

(a) All spaces occupied by people, machinery, and equipment within buildings, and the approaches thereto, and parking lots shall have electric lighting.

(b) Patients' bedrooms shall have general lighting and night lighting. A reading light shall be provided for each patient. A fixed receptacle type night light mounted approximately sixteen (16) inches above the floor, with the switch located at patient room door, shall be provided in each patient room. Patients' reading lights and other fixed lights not switched at the door shall have switch controls convenient for use at the luminaire. All switches for control of light in patient areas shall be of the quiet operating type.

(c) Provisions shall be made for the night lighting of corridors. (See Section 18, Table 2 for levels of illumination for various areas.)

(5) Receptacles. (Convenience outlets):

(a) Bedroom. Each patient bedroom shall have duplex receptacles as follows: one (1) each side of the head of each bed (for parallel adjacent beds, only one (1) receptacle is required between the beds); receptacles for luminaires, television and motorized beds, if used, and one (1) receptacle on another wall.

(b) Corridors. [Single receptacles for equipment such as floor cleaning machines shall be installed approximately fifty (50) feet apart in all corridors.] Duplex receptacles for general use shall be installed approximately fifty (50) feet apart in all corridors and within twenty-five (25) feet of ends of corridors.

(c) Nurses' calling system. A nurses' calling station shall be installed at each patient bed and in each patient toilet, bath, and shower room. The nurses' call in toilet, bath, or shower rooms shall be an emergency call. All calls shall register at the nurses' station and shall actuate a visible signal in the corridor at the patients' door, in the clean workroom, soiled workroom, and nourishment station of the nursing unit. Nurses' call systems which provide two (2) way voice communication shall be equipped with an indicating light at each calling station which lights and remains lighted as long as the voice circuit is operative.

(7) Emergency electric service:

(a) General. To provide electricity during an interruption of the normal electric supply that could affect the nursing care, treatment, or safety of the occupants, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power.

(b) Sources. The source of this emergency electric service shall be as follows:

1. An emergency generating set, when the normal service is supplied by one or more central station transmission lines;

2. An emergency generating set or a central station transmission line, when the normal electric supply is generated on the premises.

(c) Emergency generating set. The required emergency generating set, including the prime mover and generator, shall be located on the premises and shall be reserved exclusively for supplying the emergency electrical system. The emergency generator set shall be sufficient kilowatt capacity to supply all lighting and power load demands of the emergency system. The power factor rating of the generator shall be not less than eighty (80) percent.

(d) Emergency electrical connections. Emergency electric service shall be provided to circuits as follows:

1. Lighting:

a. Exitways and all necessary ways of approach thereto, including exit signs and exit direction signs, exterior of exits, exit doorways, stairways, and corridors;

b. Dining and recreation rooms;

c. Nursing station and medication preparation area;

d. Generator set location, switch-gear location, and boiler room;

e. Elevator (if required for emergency);

f. Night light in patient room;

2. Equipment. Essential to life safety and for protection of important or vital materials;

a. Nurses' calling system;

b. Sewerage or sump lift pump, if installed;

c. All required duplex receptacles in patient corridors; and at least one (1) receptacle in each patient room;

d. One (1) elevator, where elevators are used for vertical transportation of patients. Provide manual switch-over to operate other elevators;

e. Equipment such as burners and pumps necessary for operation of one or more boilers and their necessary auxiliaries and controls, required for heating and sterilization;

f. Equipment necessary for maintaining telephone service.

3. Heating. Where electricity is the only source of power normally used for space heating, the emergency service shall provide for heating of patient rooms. Emergency heating of patient rooms will not be required in areas where the facility is supplied by at least two (2) utility service feeders, each supplied by separate generating sources or a network distribution system fed by two (2) or more generators, with the facility feeders so routed, connected, and protected that a fault anywhere between the generators and the facility will not likely cause an interruption of more than one (1) of the nursing home service feeders.

(e) Details. The emergency system shall be so controlled that after interruption of the normal electric power supply, the generator is brought to full voltage and frequency and connected within ten (10) seconds through one (1) or more primary automatic transfer switches to all emergency lighting; all alarms; nurses' call; equipment necessary for maintaining telephone service; and receptacles in patient corridors. All other lighting and equipment required to be connected to the emergency system shall either be connected through the above described primary automatic transfer switching or shall be subsequently connected through other automatic or manual transfer switching. Receptacles connected to the emergency system shall be distinctively marked for identification. Storage-battery-powered lights shall not be used as a substitute for the requirement of a generator. Where fuel is normally stored on the site, the storage capacity shall be sufficient for twenty-four (24) hour operation of required emergency electric services. Where fuel is normally piped underground to the site from a utility distribution system, storage facilities on the site will not be required.

Section 18. Tables. Table 1, Pressure Relationships and Ventilation of Certain *Skilled Nursing Facilities* [ECF] Areas; and Table 2, Lighting Levels for *Skilled Nursing Facilities* [ECF].

Table 1. Pressure Relationships and Ventilation of Certain Skilled Nursing Facilities [ECF] Areas

Area Designation	Pressure Relationship to Adjacent Areas	All Supply Air From Outdoors	Minimum Air Changes of Outdoor Air per Hour
Patient room	0	—	2
Patient area corridor	0	—	4
Treatment room	0	Yes	6
Physical therapy and hydrotherapy	-	—	6
Dining and recreation areas	0	—	4
Soiled workroom	-	—	4
Clean workroom	+	Yes	4
Toilet room	-	—	—
Bedpan room	-	—	—
Bathroom	-	—	—
Janitor's closet	-	—	—
Sterilizer equipment room	-	—	—
Linen and trash chute rooms	-	—	—
Food preparation center	0	Yes(1)	10
Dishwashing room	-	—	—
Dietary dry storage	0	—	—
Laundry, general	0	Yes	10
Soiled linen sorting and storage	-	—	—
Clean linen storage	+	—	2

+ = Positive - = Negative 0 = Equal — = Optional
(1) Section 16(4)(b)11 for exceptions

Table 2. Lighting Levels for Skilled Nursing Facilities [ECF]

Area	Footcandles*
Administrative and lobby areas, day	50
Administrative and lobby areas, night	20
Barber and beautician areas	50
Chapel or quiet area	30
Corridors and interior ramps	20
Corridor night lighting	3
Dining area and kitchen	30
Doorways	10
Exit stairways and landings	5
Janitor's closet	15
Nurses' station, general, day	50
Nurses' station, general, night	20
Nurses' desk, for charts and records	70
Nurses' medicine cabinet	100
Patient care unit (or room), general	10
Patient care room, reading	30
Patient care room night light (variable)	.5 to 1.5
Recreation area (floor level)	50
Stairways other than exits	30
Toilet and bathing facilities	30
Utility room, general	20
Utility room, work counter	50

*Minimum on task at anytime.

MASON C. RUDD, Chairman

ADOPTED: April 21, 1980

RECEIVED BY LRC: May 6, 1980 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mason C. Rudd, Chairman, Kentucky Health Facilities and Health Services, Certificate of Need and Licensure Board, 275 East Main Street, Frankfort, Kentucky 40621.

Table 1. Continued

Area Designation	Minimum Total Air Changes Per Hour	All Air Exhausted Directly to Outdoors	Recirculated Within Area
Patient room	2	—	—
Patient area corridor	4	—	—
Treatment room	6	Yes	No
Physical therapy and hydrotherapy	6	—	—
Dining and recreation areas	4	—	—
Soiled workroom	4	Yes	No
Clean workroom	4	—	—
Toilet room	10	Yes	No
Bedpan room	10	Yes	No
Bathroom	10	Yes	No
Janitor's closet	10	Yes	No
Sterilizer equipment room	10	Yes	No
Linen and trash chute rooms	10	Yes	No
Food preparation center	10	Yes	No
Dishwashing room	10	Yes	No
Dietary dry storage	2	—	No
Laundry, general	10	Yes	No
Soiled linen sorting and storage	10	Yes	No
Clean linen storage	2	—	—

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
Certificate of Need and Licensure Board
(Proposed Amendment)

902 KAR 20:030. Personal care homes; operation and services.

RELATES TO: KRS 216.405 to 216.485, 216.990(2)

PURSUANT TO: KRS 13.082, 216.425

NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of Personal Care Homes, is being promulgated pursuant to the mandate of KRS 216.425 that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services.

Section 1. Definitions: Personal care homes are establishments with permanent facilities that include resident beds and health related services to provide continuous general supervision and residential care. Residents in a personal care home are able to manage the normal activities of daily living except that they have physical or mental disabilities or in the opinion of a licensed physician are in need of residential care.

(1) Residential care: refers to a service that provides a protective environment and includes but is not limited to, social and recreational opportunities for residents.

(2) Continuous or general supervision: refers to a service that provides twenty-four (24) hour surveillance of the residents and ensures that health related services required for the residents well-being will be carried out.

Section 2. Certificate of Need, Licensure and Reports.

(1) A personal care home shall not operate without first obtaining a certificate of need, unless operating prior to July 1, 1972, the effective date of the Certificate of Need and Licensure Act.

(2) No person shall maintain a personal care home, without having first obtained a license from the Certificate of Need and Licensure Board. All personal care homes shall comply with the provisions of this regulation to qualify for a license or for the renewal thereof.

(3) Upon submission of a properly completed license application form together with a prescribed fee, a personal care home that has been determined through a site inspection to be in compliance with the standards listed herein, or in substantial compliance and with a plan to achieve compliance as soon as is appropriate, may be issued a license by the Certificate of Need and Licensure Board.

(4) The license shall be posted in a conspicuous place in the facility.

(5) All applicants for license renewal, shall have submitted inventory and utilization reports required by the Certificate of Need and Licensure Board.

Section 3. [2.] Functions of Personal Care Homes. The functions of personal care homes are as follows: (1) The primary function of the personal care home is to provide general supervision and protective services for residents who do not need nursing services for assistance in activities of daily living.

(2) [(a)] Written transfer agreements:

(a) Written transfer agreements with other facilities in the service area will provide a level of inpatient care not provided by the personal care facility. Any facility which does not have such an agreement in effect but which is found by the survey agency to have attempted in good faith to enter into such an agreement with another health facility shall be considered to have such an agreement in effect if and for so long as the survey agency finds that to do so is in the public interest and essential to assuring personal care facility services for eligible persons in the community.

(b) The administrator shall initiate transfer through an appropriate agency or the resident's physician, when the resident's condition is not within the scope of the personal care definition.

(3) The personal care home maintains resident beds.

(4) There is a governing authority legally responsible for the conduct of the personal care home.

(5) There is an administrator to whom the governing authority delegates the full-time responsibility for the operation of the institution in accordance with established policy.

(6) Arrangements shall be made by the resident, family or guardian, or facility for physician services for residents at the time of admission.

(7) Resident care services, with facilities and staff, are continuously maintained, except for homes operated under bona fide Christian Science auspices.

(8) Supervisory personnel are continuously available.

(9) A health record is maintained for each resident with a minimum to include the following:

(a) Identification information.

(b) Discharge summary or transfer form if admitted from another facility.

(c) Medical evaluation at time of admission.

(d) Notes on changes of residents' condition.

(e) Reports from special services, studies or consultations.

(f) Medication and treatment sheets.

(g) Residents' discharge destination or copy of death certificate.

(10) There is a supervision of medication ordered by physicians for self-administration by residents under their care.

(11) Food served to residents meets their nutritional requirements.

Section 4. [3.] Management and Personnel. (1) Licensee. The licensee of personal care homes may or may not serve in the capacity of administrator but shall be responsible for satisfactory compliance with Kentucky laws, regulations and rules pertaining to the total operation of the designated facility. No licensee may care for or be responsible for the care of more residents than the capacity indicated on the license, regardless of where housed.

(2) Administrator:

(a) The administrator as herein defined may or may not be the licensee but is the person directly responsible for twenty-four (24) hour daily operation of the premises, or for delegating that authority to another qualified individual when his absence is necessary.

(b) The administrator is responsible for the services required in the overall care of the residents, and for competent supervision of the personnel rendering required services.

(3) Qualifications. In order to qualify as an administrator or alternate, one shall possess skills and experience appropriate to responsibilities required in the following areas:

(a) He must have sufficient education to maintain adequate records, submit reports requested by the board and interpret any written material related to all phases of home operation and resident's care.

(b) The administrator must be over twenty-one (21) years of age and shall present a certificate that he/she is in good physical and mental health, and is free from communicable disease. The administrator should be a person of integrity and good character, and have a liking for older people.

(c) The administrator or other individuals connected in any capacity with the home shall not receive any compensation for acting as a guardian or committee for a resident of the home.

(4) Personnel. Appropriate personnel records shall be maintained:

(a) All employees working under the supervision of the administrator must be of an age in conformity with state laws.

(b) All employees shall have present, at time of employment, or within one (1) week of employment, evidence of freedom from communicable disease. All employees shall have a test for tuberculosis either prior to or within the first week of employment and annually thereafter.

(c) All persons employed shall be fully informed of the policies of the home in regard to the performance of their duties. Personnel shall also comply with regulations and rules pertaining to the welfare and care of the residents.

(d) There shall be at least one (1) attendant on duty on each floor in the home at all times. In addition, sufficient and satisfactory personnel shall be employed to provide adequate care for the residents at all times, and maintain proper housekeeping practices.

(e) All employees shall be neat and clean at all times. Food handlers and other kitchen help must wear hairnets.

(5) *Patient rights: Patient rights shall be provided for pursuant to KRS 216.510 to 216.525.*

Section 5. [4.] Medical Requirements; Residents. (1) Medical and nursing requirements:

(a) It shall be the responsibility of the person in charge of the home to obtain medical care by a licensed physician promptly in cases of accident or acute illness of any resident. Such instances shall be recorded on the resident's chart.

(b) The person in charge of the medical needs of the residents may be a professional nurse registered in Kentucky, a licensed practical nurse registered in Kentucky, or a qualified person with sufficient experience to be responsible for the care of the residents.

(c) No home shall keep any controlled substances or other habit-forming drugs, or hypodermic needles except under the specific direction of a physician. Controlled substances shall be kept under double lock, a locked box in a locked cabinet. There shall be a controlled substances record book with numbered pages, in which is recorded the name of the resident; the date, time, kind, dosage, and method of administration of all controlled substances; the name of the physician who prescribed the medications; and the name of the nurse who administered it. In addition, there shall be a recorded and signed controlled substance count at least once a day. All controlled substances which are left over after the discharge or death of the resident shall be destroyed in accordance with the controlled substances regulation. (Controlled substances must be mailed to the *Controlled Substances Enforcement Branch, Kentucky Department for Human Resources, 275 East Main Street, [Narcotic and Drug Control Program, 107 Bridge Street,] Frankfort, Kentucky 40621 [40601]*. Such controlled substances should be sent by certified mail with two (2) copies enclosed listing the following: prescription number; resident's name; name of drug, and quantity of drug.)

(d) All medicines must be plainly labeled with the resident's name, the name of the drug, name of the pharmacy, prescription number and directions for dosage, except where accepted unit dose systems conforming to federal and state laws are used. All medicines should be kept in a locked place and the persons in charge shall be responsible for giving the medicines and keeping them under lock and key. Medications requiring refrigeration must be kept in a separate locked box of adequate size within a refrigerator. Drugs for external use must be stored separately from those administered by mouth and injection. The home shall not automatically have prescriptions refilled without securing medical permission. Provisions must also be made for the locked separate storage of medications of deceased and discharged patients until such medication is surrendered in accordance with existing federal and state laws and regulations.

(e) Medications shall not be administered to any resident except on the written order of a licensed physician. For this purpose a health record shall be maintained on all residents and shall be available for inspection.

(f) If orders are received by telephone from a physician, the order shall be recorded on the individual's health record and signed by the doctor within fourteen (14) days.

(g) Physical therapy shall not be administered to a resident except on written order of a licensed physician.

(h) If a resident becomes persistently disturbed and unmanageable, he must be transferred to an appropriate

facility within a period of time not to exceed five (5) days. During the disturbed state the resident's physician shall be notified and shall direct the resident's care. The physician shall initiate the transfer of the resident if the resident's condition does not improve enough for his continued stay in a personal care facility. No form of restraints shall be used except under written orders of the attending physician and shall be comfortable and easily removed in case of fire.

(i) Restricted areas shall be permitted only if doors allow observation and flip lock or latches are used; never keys.

(2) Communicable diseases:

(a) No personal care home shall knowingly admit a person suffering from a communicable disease which is reportable to the health department, except a (noninfectious) tuberculosis patient under continuing medical supervision for his/her tuberculosis disease.

(b) If, after admission, a communicable disease is suspected or diagnosed the resident shall be placed in a private room under isolation care until the family, guardian, or the administrator can place him/her in another facility under adequate care. No resident may remain in a personal care home for more than seventy-two (72) hours after a diagnosis of a serious communicable disease has been made except a (non-infectious) tuberculosis patient under continuing medical supervision for his/her tuberculosis disease.

(c) There shall be a written policy of approved technique used in the care of residents who are isolated because of a "temporary" communicable disease.

(3) Accidents. All accidents causing injury to a resident should be recorded in an incident report and maintained in a file.

Section 6. [5.] Clinical Records. A complete clinical record shall be kept for each resident with all entries current, dated and signed. Entries should be made in ink, ballpoint, or typed. Each record shall include the following:

(1) Identification sheet, including:

- (a) Resident's name;
- (b) Social Security (Medicare) and Medical Assistance Identification number (if appropriate);
- (c) Marital status;
- (d) Birthdate;
- (e) Age;
- (f) Sex;
- (g) Home address;
- (h) Religion;
- (i) Name, address and telephone number of referral agency (including hospital from which admitted);
- (j) Attending physician;
- (k) Next of kin and/or responsible person, address and telephone number;
- (l) Admitting diagnosis;
- (m) Resident's discharge destination;
- (n) Date of admission and discharge.

(2) If admitted from another facility a discharge summary or transfer form shall be included in the resident's record.

(3) Medical evaluation including medical history, physical examination, and diagnosis (may be copy of discharge summary or H and P Report from hospital or other health care facility if done within fourteen (14) days prior to admission).

(4) Physician progress notes indicating changes in resident's condition shall be completed at time of each visit by the physician and consultant.

(5) Nurses or staff notes indicating changes in resident's condition as they occur.

(6) Reports of social services, dental, laboratory, x-ray and special reports of consultants or therapist if and when received by the resident.

(7) Medication and treatment sheets including all medication, treatments and special procedures performed indicating date and time. Entries shall be initialed by the personnel rendering treatment or administering medication.

(8) After death or discharge the completed medical record shall be placed in an inactive file and retained in accordance with state and federal regulations governing the storage of medical records.

(9) In the event of a transfer to another health care facility, a copy of the resident's record or summary thereof shall accompany the resident. If the resident is transferred to another level of care within the same facility, the resident's medical record may be transferred intact with the resident.

Section 7. [6.] Dietary Requirements. (1) Menu planning:

(a) Menus shall be planned, written and rotated according to a definite pattern. Nutrition needs shall be met in accordance with the current recommended dietary allowances of the nationally accepted dietary authorities, and in accordance with physician's orders.

(b) Meals shall correspond with the posted menu; when changes in the menu are necessary, substitutions shall provide equal nutritive value and the changes shall be recorded on the menu and kept on file for thirty (30) days.

(2) Food preparation and storage:

(a) There should be at least a three (3) day supply of food to prepare well balanced palatable meals.

(b) Food should be prepared with consideration for any individual dietary requirement. Modified diets, nutrient concentrates and supplements shall be given only on the written orders of a physician. Only dairy supplies from approved sources shall be served residents.

(c) At least three (3) meals per day shall be served with not more than a fourteen (14) hour span between the evening meal and breakfast. Between meal snacks shall be available to all residents except when conflicting with special diets prescribed by a licensed physician.

(d) Food returned from residents' dishes shall not be served again in any form.

(e) Kitchen areas shall be adequately lighted on all working surfaces.

(f) Kitchens shall be adequately ventilated.

(g) All eating and cooking utensils, including appliances, shall be stored in enclosed vermin free areas. They shall be free of cracks, chips, and so constructed as to be easily cleaned.

(h) If necessary to use drying cloths, they shall be clean and not used for any other purpose.

(i) All foods shall be stored above the floor in such a manner as to be protected from dust, flies, vermin or any other form of contamination.

(j) Refrigerators shall have a complete seal, be clean, free of odors, and kept at a temperature below forty-five (45) degrees. Deep freeze units at zero (0) degrees or below.

(k) All type food showing evidence of spoilage or infestation shall be disposed of immediately upon detection.

(l) Floors, walls, ceiling, lighting fixtures, storage areas and equipment shall be kept clean and in good repair. Windows and doors shall be screened, kept in repair, and clean. A handwashing basin in the kitchen shall be available for employees. Handwashing signs shall be posted.

(m) Pets shall not be permitted in the patient area or where food and drinks are handled, stored, prepared or served.

(n) Ice water must be readily available to the residents at all times.

Section 8. [7.] General Requirements. (1) The personal care home shall be of safe and substantial construction and shall comply with state and local laws relating to location, zoning, construction, occupancy, plumbing, and sanitation including insect and rodent control.

(2) The water supply shall be of a safe sanitary quality and shall conform to all requirements of the Department for Natural Resources and Environmental Protection. There shall be an ample supply of hot and cold potable water available at all times for general use.

(3) Liquid wastes shall be disposed of in a sanitary manner into a public sewage system where available, or if none is available, into a system which shall meet the requirements of the Department for Natural Resources and Environmental Protection.

(4) All garbage, refuse, trash, and litter shall be collected and disposed of in compliance with established requirements of the Kentucky Bureau for Health Services. Garbage containers shall be made of metal or other impervious material and shall be water tight and rodent proof and must have tight fitting covers.

(5) All plumbing shall be installed and maintained to conform to the requirements of the state plumbing code.

(6) A living or recreation room shall be provided for residents and their guests.

(7) A dining area shall be available for residents.

(8) An adequate supply of clean linen should be on hand at all times.

Section 9. [8.] Housekeeping Services. (1) The home shall be kept in good repair and shall be clean, uncluttered and sanitary at all times.

(2) Orders shall be eliminated at their source by prompt and thorough cleaning of commodes, urinals, bedpans and other obvious sources.

(3) All windows and other openings must be well screened and clean curtains in good repair must be used at all windows in rooms used by residents.

(4) Walls, ceilings, and floors shall be easily cleanable and decorated to achieve a pleasing effect. Floors must be skid proof and scatter rugs are prohibited.

(5) Cleaning supplies and poisons must be locked separately from foods and medicines.

(6) The premises shall be maintained in such a manner as to prevent infestation by rodents and insects.

(7) Soiled clothing and linens shall receive immediate attention and should not be allowed to accumulate. Clothing or bedding used by one (1) resident shall not be used by another until it has been laundered or dry cleaned.

(8) Porches, patios, and other outside areas used by the residents must be of substantial construction with protective railings where necessary.

(9) Grounds shall be well kept and must be free of hazardous objects. Fences must be kept in good repair.

Section 10. [9.] Care and Welfare. (1) Upon admission the resident and a responsible member of his family or committee shall be informed in writing of the established policies of the home in regards to fees, reimbursements, visitation rights during serious illness, visiting hours, laundry, services rendered, etc. Care shall be taken to safeguard the resident's personal belongings and clothing.

[(2) Residents shall be suitably dressed at all times and given assistance when needed in maintaining body hygiene and good grooming.]

(2) [(3)] Toilet articles, such as towels, brushes, and combs, shall not be used in common.

(3) [(4)] Each resident shall be provided with soap, clean towels, wash cloths, individual mouthwash cups, tooth brushes, dentifrice and denture containers.

[(5) No responsible resident shall be detained in a home against his will.]

(4) [(6)] Residents shall not be denied the right of rest periods in their beds.

[(7) Residents shall not be denied visitation rights, the right to a degree of privacy, nor choice of spiritual affiliation or worship.]

[(8) A written procedure shall provide for an effective means of resolving grievances of residents. This procedure will assure that grievances and complaints of residents will be conveyed, within a reasonable time, to a decision making level which has the authority to take corrective action.]

[(9) A resident's correspondence shall not be opened except as authorized by the resident, his guardian, committee or family.]

[(10) Telephone service shall be available for residents' use.]

[(11) Infirm residents shall be given assistance to perform needed services for themselves.]

[(12) No form of punishment shall be meted to any resident of a home.]

(5) [(13)] Residents' beds shall be equipped with substantial springs, a clean comfortable mattress, a mattress cover, two (2) sheets and a pillow, and such bed covering as is required to keep the residents comfortable. Linens shall be changed as often as necessary to keep a clean bed at all times. Rubber or other impervious sheets shall be placed over the mattress cover whenever necessary.

(6) [(14)] Beds occupied by residents shall be placed so that no resident may experience discomfort because of proximity to radiators, heat outlets, or by exposure to drafts.

(7) [(15)] Bedside tables with reading lamps, comfortable chairs, chests or dressers with mirrors, and a night light shall be provided the residents.

(8) [(16)] Every precaution should be taken to prevent residents from locking themselves in bedrooms, bathrooms, etc.

(9) [(17)] Residents shall not be housed in unapproved rooms or unapproved detached buildings.

(10) [(18)] Basement rooms shall not be used for sleeping rooms for residents; however, when approved by the board, such rooms may be acceptable for recreation or dining.

(11) [(19)] Reading materials, radios, games, TV sets, and other recreational facilities shall be provided for the residents.

(12) [(20)] All residents' bedrooms shall be identifiable by the residents.

Section 11. [10.] Fire Control or Disaster Plan. The facility shall have a written procedure to be followed in case of fire, explosion or other emergency, according to the directions of the State Fire Marshal's Office.

MASON C. RUDD, Chairman

ADOPTED: April 21, 1980

RECEIVED BY LRC: May 6, 1980 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mason C. Rudd, Chairman, Kentucky Health Facilities and Health Services, Certificate of Need and Licensure Board, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
Certificate of Need and Licensure Board
(Proposed Amendment)

902 KAR 20:035. Personal care homes; construction and alteration.

RELATES TO: KRS 216.405 to 216.485, 216.990(2)

PURSUANT TO: KRS 13.082, 216.425

NECESSITY AND FUNCTION: This regulation, which relates to the construction and alteration of Personal Care Homes, is being promulgated pursuant to the mandate of KRS 216.425(3) that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services.

Section 1. Scope. This regulation relates to the construction and alteration of personal care homes.

Section 2. Definitions. Personal care homes are establishments with permanent facilities that include resident beds and health related services to provide continuous general supervision and residential care. Residents in a personal care home are able to manage the normal activities of daily living except that they have physical or mental disabilities or in the opinion of a licensed physician are in need of residential care.

(1) Residential care: refers to a service that provides a protective environment and includes but is not limited to, social and recreational opportunities for residents.

(2) Continuous or general supervision: refers to a service that provides twenty-four (24) hour surveillance of the residents and ensures that health related services required for the residents well-being will be carried out.

Section 3. Essential Characteristics of Personal Care Homes. The essential characteristics of personal care homes are as follows:

(1) The primary function of the personal care home is to provide general supervision and protective services for residents who do not need nursing services for assistance in activities of daily living.

(2) Written transfer agreements with other facilities in the service area will provide a level of inpatient care not provided by the personal care facility. Any facility which does not have such an agreement in effect but which is found by the survey agency to have attempted in good faith to enter into such an agreement with another health facility shall be considered to have such an agreement in effect if and for so long as the survey agency finds that to do so is in the public interest and essential to assuring personal care facility services for eligible persons in the community. The administrator shall initiate transfer through an appropriate agency or the resident's physician, when the resident's condition is not within the scope of the personal care definition.

(3) The personal care home maintains resident beds.

(4) There is a governing authority legally responsible for the conduct of the personal care home.

(5) There is an administrator to whom the governing authority delegates the full-time responsibility for the operation of the institution in accordance with established policy.

(6) Arrangements shall be made by the resident, family or guardian, or facility for physician services for residents at the time of admission.

(7) Resident care services, with facilities and staff, are continuously maintained, except for homes operated under bona fide Christian Science auspices.

- (8) Supervisory personnel are continuously available.
- (9) A health record is maintained for each resident with a minimum to include the following:
 - (a) Identification information.
 - (b) Discharge summary or transfer form if admitted from another facility.
 - (c) Medical evaluation at time of admission.
 - (d) Notes on changes of residents' condition.
 - (e) Reports from special services, studies or consultations.
 - (f) Medication and treatment sheets.
 - (g) Residents' discharge destination or copy of death certificate.
- (10) There is a supervision of medications ordered by physicians for self-administration by residents under their care.
- (11) Food served to residents meets their nutritional requirements.

Section 4. Preparation of Plans and Specifications. After receiving certificate of need approval from the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board, the following procedures and regulations will be followed:

- (1) Before construction is begun for the erection of new buildings or alterations to existing buildings or any changes in facilities, for a personal care facility, the licensee or applicant shall submit plans to the licensing agency for approval.
- (2) Architectural drawings must bear the seal of an architect registered in the Commonwealth of Kentucky and the mechanical and electrical drawings must bear the seal of a professional engineer registered in the Commonwealth of Kentucky.
- (3) Drawings shall not exceed thirty-six (36) inches by forty-six (46) inches when trimmed.

Section 5. Submission of Plans and Specifications. (1) First stage; schematic plans (Required only if facility exceeds 100 beds).

(a) Single line drawings of each floor shall show the relationship of the various departments or services to each other and the room arrangement in each department. The name of each room shall be noted. Drawings shall include typical resident room layouts (scaled $\frac{1}{4}" = 1'0"$) with dimensions noted. The proposed roads and walks, service and entrance courts, parking and orientation shall be shown in a plot plan.

(b) If the project is an addition, or is otherwise related to existing buildings on the site, the plans shall show the facilities and general arrangements of those buildings.

(2) Second stage; preliminary plans. Preliminary sketch plans shall include the following:

- (a) Architectural:
 - 1. Plans of basement, floors, and roof showing space assignment, sizes and outline of fixed and movable equipment;
 - 2. All elevations and typical sections;
 - 3. Plot plan showing roads, parking, and sidewalks;
 - 4. Areas and bed capacities by floors.
- (b) Mechanical:
 - 1. Single line layout of all duct and piping systems;
 - 2. Riser diagrams for multistory construction;
 - 3. Scale layout of boilers and major associated equipment and central heating, cooling, and ventilating units.
- (c) Electrical:
 - 1. Plans showing space assignment, sizes and outlines

of fixed equipment such as transformers, main switch and switchboards, and generator sets.

2. Simple riser diagram for multistory building construction, showing arrangement of feeders, subfeeders, bus work, load centers, and branch circuit panels.

(d) Outline specifications:

1. General description of the construction, including interior finishes, types and locations of acoustical material, and special floor covering;

2. Description of the air-conditioning, heating, and ventilation systems and their controls, duct and piping systems; and dietary, laundry, and other special equipment.

3. General description of electrical service including voltage, number of feeders, and whether feeders are overhead or underground.

(3) Third stage; contract documents:

(a) Working drawings. Working drawings shall be complete and adequate for bid, contract, and construction purposes. Drawings shall be prepared for each of the following branches of the work: architectural, structural, mechanical, and electrical. They shall include the following:

1. Architectural drawings:

a. Approach plan showing all new topography, newly established levels and grades, existing structures on the site (if any), new building structures, roadways, walks, and parking areas;

b. Plan of each basement, floor and roof;

c. Elevations of each facade;

d. Sections through building;

e. Required scale and full-size details;

f. Schedule of doors, windows, and room finishes;

g. Equipment. Location of all fixed equipment. Layout of typical and special rooms indicating all fixed equipment and major items of movable equipment. Equipment not included in contract shall be so indicated;

h. Conveying systems. Details of construction, machine and control spaces necessary, size and type of equipment, and utility requirements for the following: dumbwaiters; electric, hand, hydraulic; elevators: freight, passenger, patient; loading dock devices; pneumatic tube systems.

2. Structural drawings:

a. Plans for foundations, floors, roofs, and all intermediate levels with sizes, sections, and the relative location of the various structural members;

b. Dimensions of special openings;

c. Details of all special connections, assemblies, and expansion joints.

3. Mechanical drawings:

a. Heating, steam piping, and air-conditioning systems; radiators and steam heating equipment, such as warmers and steam tables; heating and steam mains and branches with pipe sizes; diagram of heating steam risers with pipe sizes; sizes, types, and capacities of boilers, furnaces, hot water heaters with stokers, oil burners, or gas burners; pumps, tanks, boiler breeching, and piping and boiler room accessories; air-conditioning systems with required equipment, water and refrigerant piping, and ducts; supply and exhaust ventilation systems with heating/cooling connections and piping; air quantities for all room supply and exhaust ventilating duct openings.

b. Plumbing, drainage, and standpipe systems. Size and elevation of: street sewer, house sewer, house drains, street water main, and water service into the building. Location and size of soil, waste, and water service with connections to house drains, clean-outs, fixtures, and equipment. Size and location of hot, cold, and circulating branches, and

risers from the service entrance, and tanks; riser diagram of all plumbing stacks with vents, water risers, and fixture connections. Standpipe and sprinkler systems where required; all fixtures and equipment that require water and drain connections.

4. Electrical drawings:

a. Electric service entrance with switches and feeders to the public service feeders, characteristics of the light and power current, transformers and their connections if located in the building;

b. Location of main switchboard, power panels, light panels, and equipment. Diagram of feeders and conduits with schedule of feeder breakers or switches;

c. Light outlets, receptacles, switches, power outlets, and circuits;

d. Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets, and branch conduits;

e. Nurses' call systems with outlets for residents' beds and rest rooms; duty station, door signal light and wiring diagrams; (This is optional but required in all higher levels of care.)

f. Emergency electrical system with outlets, transfer switch, sources of supply, feeders, and circuits;

g. All other electrically operated systems and equipment.

(b) Specifications. Specifications shall supplement the drawings to fully describe types, sizes, capacities, workmanship, finishes and other characteristics of all materials and equipment and shall include:

1. Cover or title sheet;

2. Index;

3. Sections describing materials and workmanship in detail for each class of work;

4. General conditions, which must contain the following requirements: Access to the work. Representatives of the appropriate state agencies will have access at all reasonable times to the work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

(4) Fourth stage; all plans and specifications must be approved by the State Fire Marshal's office and the state licensure agency prior to commencement of construction.

Section 6. Code and Standards. (1) General. Nothing stated herein shall relieve the sponsor from compliance with building codes, ordinances, and regulations which are enforced by city, county, or state jurisdictions.

(2) The following codes and standards will apply where applicable and adopted by the respective agency authority:

(a) Current Kentucky standards of safety regulations applicable to personal care facilities.

(b) Current Kentucky plumbing standards regulations applicable to personal care facilities.

(c) Current Kentucky standards for air contaminants for incinerators regulations applicable to personal care facilities.

(d) Current Kentucky standards for elevators regulations applicable to personal care facilities.

(e) Current Kentucky standards for making buildings and facilities accessible to and usable by the physically handicapped regulations applicable to hospitals.

(3) Prior to occupancy, facility shall have final approval from appropriate agencies.

Section 7. Facility Requirements and Special Conditions. (1) These regulations, except Section 6 which may be administered independent from these regulations, apply to

the construction of new facilities and facilities that are being converted to personal care. Existing facilities will be expected to make a concerted and demonstrated effort to fully comply with these regulations and must prove to the satisfaction of the board that there are valid, reasonable, and specific justifications for not being in full compliance. The board, however, reserves the right to establish deadlines for compliance to standards of significant importance as determined by the board.

(2) These standards are intended for facilities to be licensed as personal care homes. There are other separate and unique construction and facility standards applicable only to the specific level of care intended which are not interchangeable.

(3) Facilities shall be available to the public, staff, and residents who may be physically handicapped with special attention given to ramps, drinking fountain height, tilted mirrors, etc.

(4) At least sixty-six (66) percent of the beds in the facility shall be located in rooms designed for one (1) or two (2) beds.

(5) Access to the facility shall be by means of a paved or gravel roadway which shall be available for use by traffic prior to a license being issued to a facility for occupancy.

Section 8. Resident Unit. The following shall be included: (1) Resident rooms. Each room shall meet the following requirements:

(a) Maximum room capacity: four (4) residents.

(b) Minimum room is exclusive of built-in closet, lockers, wardrobes and vestibules: 100 square feet in one (1) bed rooms and eighty (80) square feet in multibed rooms.

(c) Multibed rooms shall be designed to permit not less than a three (3) foot space between beds, and at least a three (3) foot space between the side of the bed and the nearest wall, fixed cabinet, or heating/cooling unit. Beds shall be at least thirty-six (36) inches wide. A minimum of three (3) feet is required between the foot of the bed and opposite wall or foot of opposite bed in multibed rooms.

(d) Windows: All resident rooms must have windows opening to the outside. Sill shall not be higher than three (3) feet above the floor and shall be above grade. Window area to be at least ten (10) percent of resident room floor area.

(e) In all rooms with resident beds one (1) lavatory is required.

(f) Wardrobe or closet for each resident. Minimum clear dimensions: one (1) foot and ten (10) inches deep by one (1) foot and eight (8) inches wide with full length hanging space; provide clothes rod and shelf.

(g) In multibed rooms a method of assuring visual privacy for each resident shall be provided.

(2) Resident toilet and bathing facilities:

(a) Provide a centralized bathing area for each sex on every floor. One (1) shower stall or one (1) bathtub for each twelve (12) residents or major fraction thereof is required. One (1) shower stall shall be designed for wheelchair use.

(b) Provide a centralized toilet area for each sex on every floor. One (1) toilet for each eight (8) residents or fraction thereof and one (1) lavatory for each sixteen (16) residents or fraction thereof is required. Toilets must be separated by a permanent partition and at least one (1) toilet for each sex must be designed for wheelchair use.

(c) The centralized bathing and centralized toilet area may be combined into one (1) location provided provision is made for the privacy of sexes.

(d) Grab bars shall be provided at all tubs, shower stalls, and toilets.

(3) Service areas for each floor. The size and location of each service area will depend on the maximum number of residents the floor was designed for and shall include:

(a) Duty station. An adequate centralized area must be provided for charting and other required administrative functions.

(b) Staff lounge area. Shall have adequate space for lockers and have its own toilet room.

(c) Medication area, with sink, refrigerator, locked storage and facilities for preparation of medication. Controlled substances locker must be under double lock.

(d) Clean linen storage. Enclosed storage area.

(e) Janitor's closet. Storage of housekeeping supplies and equipment. Floor receptor or service sink.

(4) Residents' dining, TV viewing, and recreation areas.

(a) The total areas set aside for these purposes shall be not less than thirty (30) square feet per bed for the first fifty (50) beds and twenty (20) square feet per bed for all beds in excess of fifty (50).

(b) Storage shall be provided for recreational equipment and supplies. (Such as wall cabinets or closets.)

Section 9. Dietary Department. If a commercial service will be used or meals will be provided by an adjacent hospital, dietary areas and equipment shall be designed to accommodate the requirements for sanitary, efficient and safe storage, processing, and handling, otherwise the following will be provided:

(1) Food preparation center. Provide lavatory but do not provide mirror.

(2) Food serving facilities. For residents and staff.

(3) Dishwashing and potwashing facilities. Dish and utensil washing equipment will be used that will result in sanitized serviceware and will prevent recontamination.

(4) Refrigerated storage. Should accommodate a three (3) day supply minimum.

(5) Dry storage. Should accommodate a three (3) day supply minimum.

(6) Cart cleaning facilities. Only if this type of system is used.

(7) Cart storage area. Only if this type of system is used.

(8) Janitor's closet. Storage for housekeeping supplies and equipment; floor receptor or service sink.

(9) If a toilet room is built in this department, it must have two (2) door separation from food preparation area or dining areas.

Section 10. Administration Department. The following shall be included: (1) Administrator's office. Business office and information center, the admitting and medical records areas may be combined into one (1) area.

(2) Public and staff toilet rooms may be combined.

(3) Housekeeper's storage space.

Section 11. Laundry. The following shall be included:

(1) Soiled linen room.

(2) Clean linen room.

(3) Lavatory. Accessible from soiled, clean, and processing rooms.

(4) Laundry processing room and storage for laundry supplies. (Need not be provided if laundry is processed outside the facility.)

Section 12. Storage and Service Areas. The following shall be included: (1) Sufficient storage space shall be provided.

(2) Engineering service and equipment areas. The following shall be provided where applicable:

(a) Boiler room;

(b) Mechanical and electrical equipment room(s). (Can be combined with boiler room);

(c) Storage room for housekeeping equipment. (Need not be provided if space is available in janitor's closets or elsewhere);

(d) Refuse area, for holding trash prior to disposal, shall be located convenient to service entrance. (See Section 13(1)(e).)

Section 13. Details and Finishes. A high degree of safety for the occupants in minimizing the incidence of accidents shall be provided. Hazards such as sharp corners shall be avoided. All details and finishes shall meet the following requirements:

(1) Details:

(a) Handrails shall be provided on both sides of corridors used by residents in personal care with a clear distance of one and one-half (1½) inches between handrail and wall.

(b) All doors opening onto corridors shall be swing-type except elevator doors. Alcoves and similar spaces which generally do not require doors are excluded from this requirement.

(c) No doors shall swing into the corridor except closet doors.

(d) Thresholds and expansion joint covers, if used, shall be flush with the door.

(e) Grab bars and accessories in toilet, shower, and bathrooms shall have sufficient strength and anchorage to sustain a load of 250 pounds for five (5) minutes.

(f) Lavatories intended for use by residents shall be installed to permit wheelchairs to slide under.

(g) The location and arrangement of lavatories and sinks intended for handwashing purposes shall provide sixteen (16) inches clearance each side of center line of fixture. (See Section 16(4)(a).)

(h) Mirrors shall be arranged for convenient use by residents in wheelchairs as well as by residents in standing position.

(i) Towel rack or dispensers shall be provided at all lavatories and sinks used for handwashing.

(j) Ceiling heights:

1. Boiler room. Not less than two (2) feet and six (6) inches above the main boiler header and connecting piping with adequate headroom under piping for maintenance and access;

2. Corridors, storage rooms, residents' toilet room, and other minor rooms. Not less than seven (7) feet and six (6) inches;

3. All other rooms. Not less than eight (8) feet.

(k) Boiler room, food preparation centers, and laundries shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of eighty-five (85) degrees Fahrenheit.

(l) Noise reduction criteria. The ceilings of the following areas shall be designed to reduce noise transmission:

1. Corridors in resident areas;

2. Work areas such as utility rooms;

3. Lobbies and recreation areas.

(m) Special attention shall be given to sound transmission from boiler rooms, mechanical rooms, and kitchen, to resident bedroom areas.

(2) Finishes:

(a) Floors generally shall be easily cleanable and shall have the wear resistance appropriate for the location in-

volved. Floors in kitchen and related spaces shall be waterproof and greaseproof. In all areas where floors are subject to wetting, they shall have a nonslip finish.

(b) Adjacent dissimilar floor materials shall be flush with each other to provide an unbroken surface.

(c) Walls generally shall be washable and in the immediate area of plumbing fixtures, the finish shall be moistureproof. Wall bases in dietary areas shall be free of spaces that can harbor insects.

(d) Ceilings generally shall be washable or easily cleanable. This requirement does not apply to boiler rooms, mechanical and building equipment rooms, shops and similar spaces.

Section 14. Elevators. Elevator requirements shall conform to the current standards for elevators adopted by the Division of Labor Standards, Department of Labor.

(1) Elevators, where required. All facilities where either resident beds or residential facilities such as recreation, resident dining or therapy rooms are located on other than the first floor, shall have electric or electrohydraulic elevators as follows:

(a) Number of elevators.

1. At least one (1) hospital-type elevator shall be installed where one (1) to fifty-nine (59) resident beds are located on any floor other than the first. (For purposes of these requirements, the first floor is that floor first reached from the main front entrance);

2. At least two (2) elevators, one (1) of which shall be hospital-type shall be installed where sixty (60) to 200 resident beds are located on floors other than the first, or where residential facilities are located on a floor other than those containing the resident beds.

3. At least three (3) elevators, one (1) of which shall be hospital-type shall be installed where 201 to 350 resident beds are located on floors other than the first, or where residential facilities are located on a floor other than those containing the resident beds;

4. For facilities with more than 350 beds, the number of elevators shall be determined from a study of the facility plan and the estimated vertical transportation requirements.

(b) Cars and platforms. Cars of hospital-type elevators shall have inside dimensions that will accommodate a resident's bed and attendants and shall be at least five (5) feet wide by seven (7) feet and six (6) inches deep; car doors shall have a clear opening of not less than three (3) feet and eight (8) inches. Cars of all other required elevators shall have a clear opening of not less than three (3) feet.

(c) Leveling. Elevators shall have automatic leveling of the two (2) way automatic maintaining type with accuracy within plus or minus one-half ($\frac{1}{2}$) inch.

(2) Field inspection and tests. The contractor shall be required to cause inspections and tests to be made and shall deliver to the owner written certification that the installation meets the requirements set forth in this section.

Section 15. Construction. Foundations shall rest on natural solid ground if a satisfactory soil is available at reasonable depths. Proper soil bearing values shall be established in accordance with recognized standards. If solid ground is not encountered at practical depths, the structure shall be supported on driven piles or drilled piers designed to support the intended load without detrimental settlement.

Section 16. Mechanical Requirements. (1) Steam and hot water systems:

(a) Boilers. If boilers are used, a minimum of two (2) must be provided; the combined capacity of the boilers, based upon the published Steel Boiler Institute or Institute of Boiler and Radiator Manufacturer's net rating, must be able to supply 150 percent of the normal requirements of all systems and equipment.

(b) Valves. Supply and return mains and risers of space heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return end.

(c) Covering. Boiler and smoke breeching, all steam supply piping and high pressure steam return piping, and hot water space heating supply and return piping shall be insulated.

(d) The design and installation of all boilers must be in accordance with current Kentucky plumbing standards regulations applicable to personal care facilities.

(2) Air-conditioning, heating and ventilating systems:

(a) Temperatures. A minimum temperature of seventy-two (72) degrees Fahrenheit shall be provided for occupied areas at winter design conditions.

(b) Ventilation systems details. All air-supply and air-exhaust systems shall be mechanically operated. All fans serving exhaust systems shall be located at or near the point of discharge from the building. The ventilation rates shown on Table 1, Section 18, shall not be considered as precluding the use of higher ventilation rates if they are required to meet design conditions.

1. Outdoor ventilation air-intakes, other than for individual room units, shall be located as far away as practicable but not less than twenty-five (25) feet from the exhausts from any ventilating system or combustion equipment. The bottom of outdoor intakes serving central air systems shall be located as high as possible but not less than eight (8) feet above the ground level or, if installed through the roof, three (3) feet above roof level.

2. The ventilation systems shall be designed and balanced to provide the general pressure relationship to adjacent areas shown in Table 1, Section 18.

3. Room supply air inlets, recirculation, and exhaust air outlets shall be located not less than three (3) inches above the floor.

4. Corridors shall not be used to supply air to or exhaust air from any room, except that exhaust air from corridors may be used to ventilate rooms such as bathrooms, toilet rooms, or janitor's closets which open directly on corridors.

5. Ducts shall be constructed of iron, steel, aluminum, or other approved metal or materials such as clay, asbestos, cement, fiberglass, etc.

6. All hoods over cooking ranges shall be equipped with fire extinguishing systems and heat-actuated fan controls. Cleanout openings shall be provided every twenty (20) feet in horizontal exhaust duct systems serving hoods.

(3) Plumbing and other piping systems. All plumbing systems shall be installed in accordance with the requirements of current Kentucky plumbing standards regulations applicable to personal care facilities. Lavatories in resident rooms shall have the water supply spout mounted so that its discharge point is a minimum distance of five (5) inches above the rim of the fixture. All fixtures used by staff, and all lavatories used by residents and food handlers shall be trimmed with valves which can be operated without the use of hands. Where blade handles are used for this purpose, they shall be of standard length. (See Section 13(1)(j).)

(4) Water supply systems:

(a) System shall be designed to supply water to the fix-

tures and equipment on the upper floors at a minimum pressure of fifteen (15) pounds per square inch during maximum demand periods.

(b) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.

(c) Hot, cold and chilled water piping and waste piping on which condensation may occur shall be insulated. Insulation of cold and chilled water lines shall include an exterior barrier.

(d) Backflow preventers (vacuum breakers) shall be installed on hose bibbs and on all fixtures to which hoses or tubing can be attached such as janitor's sinks and bedpan flushing attachments.

(e) Hot water distribution systems shall be arranged to provide hot water at each fixture at all times.

(f) Plumbing fixtures which require hot water and which are intended for resident use shall be supplied with water which is controlled to provide a maximum water temperature of 110 degrees Fahrenheit at the fixture.

(g) Piping over food preparation centers, food serving facilities, food storage areas, and other critical areas shall be kept to a minimum and shall not be exposed. Special precautions shall be taken to protect these areas from possible leakage of, or condensation from necessary overhead piping systems.

(5) Hot water heaters and tanks.

(a) The hot water heating equipment shall have sufficient capacity to supply the water at the temperature and amounts indicated below:

	Use		
	Resident	Dietary	Laundry
Gal/hr/bed	6½	4	4½
Temp. F.	110	180	180

(b) Storage tank(s) shall be provided and shall be fabricated of corrosion-resistant metal, or have non-corrosive lining.

(6) Plumbing approval. Prior to final approval of the plans and specifications by the state licensure agency, the plumbing plans and specifications must be approved by the Division of Plumbing, Department of Housing, Buildings and Construction

Section 17. Electrical Requirements. (1) General:

(a) All materials including equipment, conductors, controls, and signaling devices shall be installed to provide a complete electrical system with the necessary characteristics and capacity to supply the electrical facilities shown in the specifications or indicated on the plans. All materials shall be listed as complying with applicable standards of Underwriters' Laboratories, Inc., or other similarly established standards.

(b) The contractor shall be responsible for testing all electrical installations and systems and shall show that the equipment is correctly installed and operated as planned or specified.

(c) The electrical installations must conform to local codes where they exist or to the National Electrical Code. Final approval must be obtained from the State Fire Marshal's Office, after inspection.

(2) Switchboard and power panels. Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to switchboard and distribution panelboards shall be enclosed or guarded to provide a dead-front type of assembly. The

main switchboard shall be located in a separate enclosure accessible only to authorized persons. The switchboard shall be convenient for use, readily accessible for maintenance, clear of traffic lanes, and in a dry ventilated space devoid of corrosive fumes or gases. Overload protective devices shall be suitable for operating properly in the ambient temperature conditions. All breakers and switches are to be indexed.

(3) Distribution panelboards. Lighting and appliance panelboards shall be provided for the circuits on each floor. All circuits are to be indexed at panelboard. This requirement does not apply to emergency system circuits.

(4) Lighting:

(a) All spaces occupied by people, machinery, and equipment within buildings, and the approaches thereto, and parking lots shall have electric lighting.

(b) Residents' bedrooms shall have general lighting. A reading light shall be provided for each resident when appropriate. Residents' reading lights and other fixed lights not switched at the door shall have switch controls convenient for use at the luminaire.

(c) Provisions shall be made for the night lighting of corridors. (See Section 18, Table 2, for levels of illumination for various areas.)

(5) Receptacles. (Convenience outlets);

(a) Bedroom. Each resident bedroom shall have duplex receptacles as follows: one (1) each side of the head of each bed (for parallel adjacent beds, only one (1) receptacle is required between beds); receptacles for luminaires, television and motorized beds, if used, and one (1) receptacle on another wall.

(b) Corridors. [Single receptacles for equipment such as floor cleaning machines shall be installed approximately fifty (50) feet apart in all corridors.] Duplex receptacles for general use shall be installed approximately fifty (50) feet apart in all corridors and within twenty-five (25) feet of ends of corridors.

(6) Emergency electric service:

(a) General. To provide electricity during an interruption of the normal electric supply that could affect the care or safety of the occupants, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power for a continuous period up to twenty-four (24) hours.

(b) Emergency electrical connections. Emergency electric service shall be provided to circuits as follows:

1. Lighting:

a. Exitways and all necessary ways of approach thereto, including exit signs and exit direction signs, exterior of exits, exit doorways, stairways, and corridors;

b. Medication preparation areas;

c. Switch-gear location and boiler room;

d. Elevator (if required for emergency);

2. Equipment, essential to life safety and for protection of important or vital materials: sewage or sump lift pump, if installed.

(c) Details. The emergency system shall be so controlled that after interruption of the normal electric power supply, the electric source is brought to full voltage and frequency and connected to all emergency lighting, all alarms, and equipment.

Section 18. Appendix: Table 1—Pressure Relationships and Ventilation of Certain Personal Care Areas. Table 2—Lighting Levels for Personal Care.

Table 1. Pressure Relationships and Ventilation of Certain Personal Care Areas

Area Designation	Pressure Relationship to Adjacent Areas	All Supply Air From Outdoors	Minimum Air Changes of Outdoor Air per Hour
Resident room	0	—	2
Resident area corridor	0	—	1
Treatment room	0	Yes	1
Physical therapy and hydrotherapy if applicable	N	—	1
Dining and recreation areas	0	—	1
Soiled workroom	N	—	1
Clean workroom	P	Yes	1
Toilet room	N	—	—
Bedpan room if applicable	N	—	—
Bathroom	N	—	—
Janitor's closet	N	—	—
Linen and trash chute room	N	—	—
Food preparation center	0	—	2
Dishwashing area	N	—	—
Dietary dry storage	0	—	—
Laundry, general	0	—	2
Soiled linen sorting and storage	N	—	2
Clean linen storage	P	—	2

P = Positive N = Negative 0 = Equal — = Optional

Table 1. Continued

Area Designation	Minimum Total Air Changes Per Hour	All Air Exhausted Directly to Outdoors	Recirculated Within Area
Resident room	2	—	—
Resident area corridor	4	—	—
Treatment room	4	Yes	No
Physical therapy and hydrotherapy if applicable	6	—	—
Dining and recreation areas	4	—	—
Soiled workroom	4	Yes	No
Clean workroom	4	—	—
Toilet room	10	Yes	No
Bedpan room if applicable	10	Yes	No
Bathroom	10	Yes	No
Janitor's closet	10	Yes	No
Linen and trash chute rooms	10	Yes	No
Food preparation center	10	Yes	No
Dishwashing area	10	Yes	No
Dietary dry storage	2	—	No
Laundry, general	10	Yes	No
Soiled linen sorting and storage	10	Yes	No
Clean linen storage	2	—	—

P = Positive N = Negative 0 = Equal — = Optional

Table 2. Lighting Levels for Personal Care

Area	Footcandles *
Administrative and lobby areas, day	50
Administrative and lobby areas, night	20
Corridors and interior ramps	20
Corridor night lighting	3
Dining area and kitchen	30
Doorways	10
Exit stairways and landings	5
Janitor's closet	15
Staff Lounge, general, day	50
Staff Lounge, general, night	20
Medicine Cabinet	100
Resident care unit (or room), general	10
Resident care room, reading	30
Recreation area (floor level)	50
Stairways other than exits	30
Toilet and bathing facilities	30
Utility room, general	20

* Minimum on task at anytime

MASON C. RUDD, Chairman

ADOPTED: April 21, 1980

RECEIVED BY LRC: May 6, 1980 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mason C. Rudd, Chairman, Kentucky Health Facilities and Health Services, Certificate of Need and Licensure Board, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
Certificate of Need and Licensure Board
(Proposed Amendment)

902 KAR 20:040. Family care homes; operation and services.

RELATES TO: KRS 216.405 to 216.485, 216.990(2)

PURSUANT TO: KRS 13.082, 216.425

NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of Family Care Homes, is being promulgated pursuant to the mandate of KRS 216.425(3) that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services.

Section 1. Scope. This regulation relates to the operation and services rendered by a family care home (formerly licensed as mini care homes).

Section 2. Definitions. (1) A family care home is a home operated and maintained to provide twenty-four (24) hour protective and personal care services in residential accommodations for two (2) or three (3) individuals who are not related within the third degree of consanguinity to the licensee and who because of impaired capacity for self care elect or require a protective environment but who do not have an illness, injury, or disability for which constant medical care and skilled nursing services are required. The term "home" as used in this regulation means a family care home.

(2) "Impaired capacity for self care" includes residents who have a mental or physical limitation which decreases his/her ability to function in a normal adult manner or whose daily living is normalized through the use of

prescription medications. Such individuals do not have the ability to function independent of the protective environment in their daily living.

(3) "Protective environment" refers to the provision of those services (emergency health care, nutritional needs, personal grooming, or freedom from injury) which the resident is not capable of providing for him or herself in a safe and/or sanitary manner.

Section 3. Essential Characteristics. The essential characteristics of a family care home are as follows:

(1) The home maintains a bed for each resident. Never more than one (1) resident to a bed.

(2) The licensee who resides in the home and provides twenty-four (24) hour supervision of and assistance to the residents.

(3) A record is maintained for each resident.

(4) All residents are mobile to the extent that they are not bedfast, and can either walk unassisted, or with mechanical assistance not requiring the attention of another person.

(5) There is supervision of medications ordered by physicians for residents.

(6) There are arrangements for physician's services for residents when required.

(7) Food served to residents meets their nutritional needs.

(8) There are arrangements with other health agencies and facilities for residents who, at some time, may require a transfer to a different level of care.

(9) The home maintains standards of comfort and safety in keeping with the needs of the residents.

(10) Provisions are made to involve the resident in community activities, and to activate the resident in a beneficial way, within the home.

(11) There is a written procedure for providing or obtaining emergency services.

Section 4. Certificate of Need, Licensure and Reports.

(1) A family care home, shall not operate without first obtaining a certificate of need, unless operating prior to January 1, 1973, the effective date of the Certificate of Need and Licensure Act.

(2) No person shall operate a family care home, without having first obtained a license from the Certificate of Need and Licensure Board. All family care homes shall comply with the provisions of this regulation to qualify for a license or for the renewal thereof.

(3) Upon submission of a properly completed license application form together with a prescribed fee, a family care home that has been determined through a site inspection to be in compliance with the standards listed herein, or in substantial compliance and with a plan to achieve compliance as soon as is appropriate, may be issued a license by the Certificate of Need and Licensure Board.

(4) The license shall be posted in a conspicuous place in the facility.

(5) All applicants for license renewal shall have submitted inventory and utilization reports required by the Certificate of Need and Licensure Board. [Licensure. No person shall provide family care home services without having first obtained a license from the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board. All family care homes shall comply with the provisions of this regulation in order to qualify for licensing and for the renewal thereof.]

[Section 5. Licenses. (1) Upon submission of a properly completed license application form together with prescribed fee, a family care home operating prior to July 1, 1975 that has been determined through a site inspection to be in compliance with the standards listed herein, or in substantial compliance and with a plan to achieve compliance as soon as appropriate but not later than the date of expiration of the license, may be issued a license by the Certificate of Need and Licensure Board.]

[(2) Family care homes not operating prior to July 1, 1975 must be in compliance with the standards listed herein to be licensed.]

Section 5. [6.] Management and Personnel. (1) The family care home operator shall be a mature, literate adult who is responsible and who has knowledge and understanding of the needs of adults who require protective and personal care services.

(2) The person submitting an application for licensure of a family care home shall be the person directly responsible for the twenty-four (24) hour daily operation of the home or for delegating that responsibility to another similarly qualified individual when a temporary absence is necessary. The name of that individual to whom the responsibility may be designated shall be in writing and available to the agents of the board inspecting the home.

(3) Each licensee shall attend at least one (1) training program for family care home operators per year as offered or approved by the Department for Human Resources.

(4) The licensee and all full-time or part-time help utilized by the licensee shall be in good health and free of communicable diseases. They shall be able to show proof of an annual examination for TB by a physician or the local health department.

(5) The licensee shall keep a notebook located on the premises and available for inspection by the board's agents. The notebook shall contain the following information typed or in ink about each resident:

(a) Name and sex.

(b) Date of arrival and birthdate.

(c) Relatives (if any) or responsible agencies and their addresses.

(d) Name of physician and phone numbers.

(e) Amount charged per week or month as compensation for care.

(f) Date of departure.

(g) Other relevant information including physician visits and/or assessment reports.

(6) Phone numbers of a hospital, an ambulance service, fire department, and a physician for emergencies shall be posted by the telephone in large legible print if phone service is available in the area.

(7) An accident report on a resident shall be written and one (1) copy kept on file and made available to the board agents within seven (7) days of the incident. The original shall be sent to the Office of Inspector General, Division for Licensing and Regulation, 275 East Main Street, Frankfort, Kentucky.

(8) A family care home shall not be used as a boarding home for infants and children under the age of eighteen (18) years.

(9) No persons under eighteen (18) years of age shall operate a family care home.

(10) The licensee shall keep any other records as required by the licensing authority.

(11) Patient rights: Patients rights shall be provided for pursuant to KRS 216.510 to 216.525.

Section 6. [7.] Medical Requirements. (1) No licensee shall knowingly admit or retain a resident suffering from a communicable disease which is reportable to the local health department, except a (noninfectious) tuberculosis patient under continuing medical supervision for his/her tuberculosis disease. The licensee shall show evidence a concerted effort has been made to obtain for a resident a physical examination by a physician within a reasonable time (three (3) months) prior to or after arrival at the home.

(2) If admitted from another facility a discharge summary or transfer form shall be included in the resident's record. Medical evaluation including medical history, physical examination and diagnosis shall be included (may be a copy of discharge summary, history and physical report from hospital or other health facility, if done within fourteen (14) days prior to admission to the home).

(3) It shall be the responsibility of the licensee to obtain the services of a physician in case of accident or acute illness of any resident.

(4) All medications prescribed for residents shall be noted, in writing, as given with the date, time and dosage, and signed by the person administering the medication.

(5) Medication shall not be administered to any resident except on the written order of a physician. When medication requires administration by a trained person, arrangements shall be made to procure the services of such a person.

(6) Medications shall be kept in a locked cabinet.

(7) Self-administration of prescription medications shall be allowed only upon the written instructions of the attending physician and a record shall be maintained as in subsection (4) above.

(8) Residents admitted or retained for care shall not require because of illness, injury or disease, a degree of care exceeding the skill of the operator to perform. Failure to comply with this standard shall be the basis for immediate revocation of the home's license.

Section 7. [8.] Personal Care. In addition to patient rights Section 5(11), the following standards are considered minimal:

(1) Each resident shall have their individual:

(a) Clean wash cloth and towel;

(b) Toothbrush;

(c) Brush and comb;

(d) Other appropriate toilet articles; and

(e) Bureau or cupboard for storage of his personal belongings.

(2) Each resident shall have his own bed equipped with substantial springs, a clean comfortable mattress, two (2) sheets and a pillow, and such bed covering as required for resident's health and comfort.

(3) Residents shall not be denied the privilege of rest periods in their beds.

Section 8. [9.] Dietary Requirements. (1) Food shall be prepared with consideration for any individual dietary requirement.

(2) Menus shall be planned and written according to a definite pattern. A written record shall be kept of all foods served, including food offered as a bedtime snack.

(3) Nutrition needs shall be met in accordance with the current recommended dietary allowances of the Food and Nutrition Board of the National Research Council. The following daily food guide for adults is based on these allowances:

(a) Milk: Appropriate servings of milk relative to resi-

dent needs. A portion may be served in cooked form such as creamed dishes, desserts, etc.

(b) Meat group: Two (2) or more servings of protein food of good quality. This can include fish, beans, poultry, and cheese.

(c) Vegetable and fruit group: Four (4) or more servings. One (1) serving of vegetables equals one-half (½) cup.

(d) Bread and cereal group: Four (4) or more servings of whole grain, enriched or restored. One (1) slice of bread equals one (1) serving. One-half (½) cup cereal equals one (1) serving. This can include corn, potatoes, or rice.

(e) Butter or margarine: Some of either each day as a seasoning, and as a spread.

(4) Other foods: Serve other foods as necessary to round out meals, satisfy individual appetites, improve flavor and meet the individual's nutritional and calorie needs. Snacks may also be used for this purpose.

(5) Food returned from residents' dishes shall not be served again in any form.

(6) Therapeutic diets: Special diets or dietary restrictions shall be medically prescribed.

(7) At least three (3) meals per day shall be served with not more than a fourteen (14) hour span between the evening meal and breakfast. Between meal snacks should be available to residents except when conflicting with special diets prescribed by a licensed physician.

(8) All food shall be stored above the floor in such a manner as to be protected from dust, flies, vermin, or other forms of contamination.

(9) Refrigerators shall have a complete seal, be clean, free of odors, and kept at a temperature below forty-five (45) degrees Fahrenheit. A thermometer shall be placed in each refrigerator and freezer.

(10) All type food showing evidence of spoilage or infestation shall be disposed of immediately upon detection.

(11) Floors, walls, ceilings, lighting fixtures, storage areas and equipment shall be kept clean and in good repair. Windows and doors shall be screened, kept in repair, and clean.

Section 9. [10.] Housekeeping and Sanitation. Each family care home shall:

(1) Be kept in good repair and shall be clean, uncluttered and sanitary at all times;

(2) Eliminate odors at their source by prompt and thorough cleaning of commodes, and other obvious sources;

(3) Screen all windows and other openings and keep curtains clean and in good repair in all windows in rooms used by residents;

(4) Maintain the premises in such a manner as to prevent infestation by rodents and insects;

(5) Give soiled clothing and linens immediate attention and not allow them to accumulate;

(6) Not permit any clothing or bedding used by one resident to be used by another until it has been laundered or dry cleaned;

(7) Change bed linens as often as necessary to provide a clean bed at all times and place rubber or other waterproof material (excluding papers) over the mattress whenever necessary;

(8) Dispose of wastes in a sanitary manner into a public sewage system where available, or if none is available, into a system which shall meet the requirements of the Department for Human Resources. Outside provisions can be allowed only if local county health departments approve this in their regulations; and

(9) Collect and dispose of all garbage, refuse, trash, and

litter in compliance with applicable state and local laws and regulations. Garbage containers shall be made of metal or other impervious material and shall be water tight and rodent proof and shall have tight-fitting covers.

Section 10. [11.] Accommodations. Each family care home shall: (1) Be safe and of substantial construction and comply with applicable state and local laws relating to location, zoning, plumbing, and sanitation, including insect and rodent control;

(2) Be adequately lighted at all times by natural or artificial light including each hall, stairway, entryway, vestibule, patient area, kitchen, and bathroom;

(3) Have a water supply of a safe, sanitary quality approved by the local health department;

(4) Have an ample supply of hot and cold running water available at all times for general use;

(5) Have appropriate sanitary toilet and bathing facilities conveniently available for resident use;

(6) Have adequate ventilation in all resident use areas, and if there is no window, toilet rooms shall be vented to the outside;

(7) Have an exterior window which can be opened in each resident room;

(8) Place beds occupied by residents so that no residents may experience discomfort because of proximity to radiators, heat outlets or exposure to drafts;

(9) Not use "bunk" beds;

(10) Have beds that are no less than thirty-three (33) inches wide and six (6) feet long;

(11) Not house residents in rooms or detached buildings or other enclosures which have not been previously inspected and approved for resident use, or in basements not constructed for sleeping quarters. Approved basements must have an outside door.

(12) Not be located in a house trailer or motor homes.

(13) Ensure that porches, patios and other outside areas of the residence are of substantial construction with protective railings where necessary.

(14) Provide a heating system which can maintain an even temperature, and capable of maintaining seventy-two (72) degrees Fahrenheit in resident used areas;

(15) Have telephone service if available in the area, accessible to the residents;

(16) Have no more than three (3) persons residing in the home who are not related to the operator within the third degree of consanguinity;

(17) Provide for insect and rodent control; and

(18) Provide no less than one (1) toilet and lavatory per six (6) persons residing in the home, including residents receiving care, licensee and family.

Section 11. [12.] Safety. Each family care home shall:

(1) Have a fire control and evacuation plan;

(2) Have an adequate number of ABC-rated fire extinguishers located throughout the home;

(3) Have a person in charge thoroughly oriented in the evacuation of the residents in the event of a fire; and

(4) Have non-slippery floors and shall not have scatter rugs over uncarpeted floors.

MASON C. RUDD, Chairman

ADOPTED: April 21, 1980

RECEIVED BY LRC: May 6, 1980 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mason C. Rudd, Chairman, Kentucky Health Facilities and Health Services, Certificate of Need and Licensure Board, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
Certificate of Need and Licensure Board
(Proposed Amendment)

902 KAR 20:050. Intermediate care facilities; operation and services.

RELATES TO: KRS 216.405 to 216.485, 216.990(2)

PURSUANT TO: KRS 13.082, 216.425

NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of intermediate care facilities, is being promulgated pursuant to the mandate of KRS 216.425(3) that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services.

Section 1. Definition: Intermediate care services are provided intermittently on a twenty-four (24) hour basis by establishments with permanent facilities and health related services to patients who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide, but who because of their mental or physical condition require care and services (above the level of room and board) which can be made available to them only through institutional facilities on an inpatient basis.

Section 2. Essential Characteristics: All intermediate care services shall have provisions for the following essential characteristics:

(1) A governing authority legally responsible for the conduct of the facility;

(2) An administrator licensed by the Kentucky Board of Licensure for Nursing Home Administrators to whom the governing authority delegates full-time responsibility for the operation of the facility in accordance with established policy;

(3) Inpatient care;

(4) Twenty-four (24) hour supervision (at various levels) according to patient need;

(5) Diagnostic care and evaluation according to need;

(6) Treatment and/or training of the type and frequency required by specific patient needs as detailed in an individual "plan of care;"

(7) Cooperation with appropriate community planning and referral agencies where available for admission and discharge of patients;

(8) Social services as needed by the patients through direct provision or arrangement;

(9) A current and complete record maintained for each patient;

(10) An organized food service which meets the nutritional needs of the patients, with special diets regularly available;

(11) A plan for independent and group activities;

(12) A written patient care policy governing patient treatment in the facility;

(13) Maintaining effective arrangements for required institutional services through a written agreement with an outside resource in those instances where the facility does not employ a qualified professional person to render a required service. The terms of agreement with each such resource are delineated in writing and signed by the administrator or authorized representative and the resource;

(14) Written transfer agreements with other health facilities in the service area which will provide a level of inpatient care not provided by the intermediate care facility. Any facility which does not have such an agreement in ef-

fect but which is found by the survey agency to have attempted in good faith to enter into such an agreement with another health facility shall be considered to have such an agreement in effect if and for so long as the survey agency finds that to do so is in the public interest and essential to assuring intermediate care facility services for eligible persons in the community;

(15) Intermittent appraisal and intervention by trained nursing personnel is on a twenty-four (24) hour basis;

(16) Medical management by a licensed physician and scheduled intermittent diagnostic care is provided;

(17) Restorative nursing care is provided to each patient to achieve and maintain the highest possible degree of function, self-care and independence.

Section 3. Certificate of Need, Licensure and Reports.

(1) *An intermediate care facility shall not operate without first obtaining a certificate of need unless operating prior to July 1, 1972, the effective date of the Certificate of Need and Licensure Act.*

(2) *No person shall operate an intermediate care facility without having first obtained a license from the Certificate of Need and Licensure Board. All intermediate care facilities shall comply with the provisions of this regulation to qualify for a license or for the renewal thereof.*

(3) *Upon submission of a properly completed license application form together with a prescribed fee, an intermediate care facility that has been determined through a site inspection to be in compliance with the standards listed herein, or in substantial compliance and with a plan to achieve compliance as soon as is appropriate, may be issued a license by the Certificate of Need and Licensure Board.*

(4) *The license shall be posted in a conspicuous place in the facility.*

(5) *All applicants for license renewal shall have submitted inventory and utilization reports required by the Certificate of Need and Licensure Board. [Licensure. No person shall provide intermediate care services without having first obtained a license from the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board. Licenses issued by the board shall include designation thereon of "conforming" or "non-conforming" with the standards set forth in this regulation. A license shall not be issued to any facility which cannot meet the minimum requirements as set forth in the life safety codes and standards, and federal, state and local requirements for environment and sanitation as set forth in these standards. The license shall be posted in a public area of the facility in plain view of visitors. An "existing facility" is defined as a long term care facility in operation prior to January 1, 1974 and continuously thereafter.]*

Section 4. Minimum Standards for Operation: The following minimum standards for operation as set forth in this regulation shall apply to all intermediate care facilities services in a distinct part, or other facilities providing intermediate care services. (1) Organization:

(a) The facility shall comply with all applicable laws and regulations.

(b) The facility shall have a governing authority that has overall legal responsibility for the conduct of the facility.

(c) The governing authority shall establish bylaws or policies in accordance with legal requirements, setting forth the purposes of the facility and the means of fulfilling them.

(d) The facility shall admit only those persons whose needs can be met by the facility directly or in cooperation

with community resources or other providers of care with which it is affiliated or has contracts.

(e) The facility shall provide and maintain an adequate system for identifying each patient's personal property and facilities for safekeeping of his valuables. Each patient's clothing and other property shall be reserved for his own use.

(2) Administrative management:

(a) The facility shall have available a written statement of objectives, goals and policies which shall include a statement of rights of its patients and its relationship to its patients or their surrogates.

(b) The administrator may or may not serve in the capacity of supervisor, but shall be responsible for satisfactory compliance with state and local laws, rules and regulations: The administrator:

1. Shall be licensed and be responsible for meeting all laws governing licensure requirements for intermediate care facilities;

2. May be the director of nursing services in a facility of sixty (60) beds or less;

3. Shall, in his absence, designate a responsible person on his staff to act in an emergency during his absence, and shall designate a full-time person in charge of each shift in the facility to be responsible for patient care;

4. Shall be responsible for the services required in the daily care of the patients and for supervision of the personnel who are employed;

5. Shall be in good physical and mental health, have the ability to establish a program to meet the needs of the patients in relation to their community and families, and be capable of directing and supervising persons working in a facility;

6. Shall attend education programs appropriate to the responsibilities of the position and shall arrange for other professionals to attend appropriate educational programs in supervision, subjects related to personal care, activities, nutrition and other pertinent subjects as often as possible; and

7. Shall be responsible for and participate in recruiting, hiring, assigning and development of the staff.

(c) The administrator shall be responsible for coordinating and directing the day-to-day activities of the facility in accordance with the policies established by the governing body. He shall:

1. Serve as liaison between the governing authority and the staff of the facility;

2. Assist the governing authority in the formulation and implementation of policies;

3. Develop an organizational structure including lines of authority, responsibility and communication subject to the approval of the governing authority; and

4. Perform other duties that may be designated to him by the governing authority.

(d) The administrator shall appoint qualified personnel as needed to assume the responsibility for the routine functioning of the various aspects of the program. He shall:

1. Carry out the administration of their program in keeping with established policies;

2. Participate in decisions affecting program development such as staffing and budgeting; and

3. Coordinate activities and policies through regularly scheduled meetings of the appropriate staff members.

(e) According to the policies set by the governing authority, the administrator shall contract for professional and supportive services as appropriate to the needs of the patient. These contracts shall be available for review by appropriate representatives of the Department for Human Resources. The contractors shall:

1. Be required to meet the standards as herein contained; and,

2. Coordinate the service(s) they render to the existing patient care program.

(f) Reports:

1. Administrative reports shall be established, maintained, and utilized as necessary to guide the operation, and reflect the program of the facility. Such reports shall include, where applicable: minutes of the governing body, financial meetings and reports, personnel records, inspection reports, incident investigation reports, and other pertinent reports made in the regular course of the business of the intermediate care facility.

2. Each facility shall furnish an annual report to the Department for Human Resources which shall consist of statistical data on utilization of services, plus other information as requested by the Department for Human Resources on forms supplied by the department; however, financial records previously submitted to the department for Medicare and/or Medicaid shall be excluded.

(g) There shall be full disclosure annually to the licensure board of the names and addresses, and any changes in these, if:

1. Each person having (directly or indirectly) ownership interest of ten (10) percent or more in such facility; and

2. Each officer and director of the corporation where a facility is organized as a corporation; and

3. Each partner where a facility is organized as a partnership; and prompt reporting if;

4. Any change of ownership occurs.

(h) Admission and discharge:

1. The facility shall have written policies which provide that a patient is admitted when it has been determined that the patient is in need of the care and services provided by such facility consistent with the medical recommendation stated in subsection (11) of this section.

2. As changes occur in their physical or mental condition, necessitating service or care which cannot be adequately provided by the facility, patients, upon physician's orders, (except in cases of emergency) shall be transferred promptly to hospitals, skilled nursing facilities or other appropriate facilities; or services shall be contracted for from another community resource to be provided either in the intermediate care facility or in the resource facility as an outpatient.

3. It may be, by reason of remote location or other good and sufficient reason, that the facility is unable to effect such an arrangement with a hospital, skilled nursing facility or other type of facility required for appropriate patient care. These findings may be made by the Department for Human Resources when:

a. There is no general hospital or skilled nursing facility serving the area in which the facility is located; or

b. There are one (1) or more general hospitals or skilled nursing facilities serving the area and the facility has attempted in good faith and has exhausted all reasonable possibilities to enter into an agreement with such other facilities; and

c. The facility has provided copies of letters, records of conferences, or other evidence to support its claim that it has attempted in good faith to enter into an agreement;

d. Hospitals or skilled nursing facilities in the area have, in fact, refused to enter into an agreement with the facility in question.

4. Similarly, as validated changes, and progress occur which would enable the patient to function in a less structured and restrictive environment, the facility shall offer

assistance in making arrangements for patients to be transferred to facilities providing appropriate services and the less restrictive environment cannot be offered at the facility.

5. Except in an emergency, the patient, his next of kin, the attending physician, and the responsible agency, if any, are consulted in advance of the transfer, release or discharge of any patient, and social services, or other means, are utilized to assure that adequate arrangements exist for meeting his needs through other resources.

6. Upon the direction of a qualified physician or physicians, the facility shall have the right to discharge to an appropriate resource, any patient for whom such action is indicated.

7. No patient shall knowingly be admitted to an intermediate care facility with a communicable disease, which is reportable to the health department, except a (non-infectious) tuberculosis patient under continuing medical supervision for his/her tuberculosis disease.

(3) Personnel and staffing:

(a) The facility shall employ, or offer access to, a sufficient number of qualified personnel as may be required to provide services necessary to fully implement the facility's program. Responsible staff member shall be on duty and awake at all times to assure prompt, appropriate action in cases of injury, illness, fire, or other emergencies.

1. Volunteers shall be used, when available, to supplement staff, but shall not be counted on to make up minimum staffing requirements.

2. The working hours of the personnel shall be spaced over all shifts so that the needs of the patients are adequately met over any twenty-four (24) hour period.

3. The number and classification of personnel to be provided, including staff to provide personal care, shall be based on the following: number of patients; amount and kind of personal care, nursing care, supervision, and program needed to meet the needs of the patients as determined by the definition and essential characteristics of this regulation; and/or, medical orders.

(b) Written job descriptions and standards of qualifications shall be developed for each category of personnel. Job descriptions shall include necessary qualifications, lines of authority and specific duty assignments. Job descriptions shall be reviewed and revised as necessary.

(c) Current employee records shall be maintained and shall include a resume of each employee's training and experience, evidence of current licensure or registration where required by law, health records and evaluation of performance, along with employee's name, address and social security number.

(d) Supportive personnel, consultants, assistants and volunteers shall be supervised and shall function within the policies and procedures of the facility.

(e) Each employee shall present, at time of employment, or within one (1) week of employment, evidence of freedom from communicable disease.

(f) All employees shall have a test for tuberculosis either prior to or within the first week of employment and annually thereafter.

(g) The staff shall be knowledgeable and well-trained in relation to policies and procedures regarding their roles within the program.

(h) There shall be a planned in-service program including orientation, skilled training and ongoing education provided for all levels of employees.

(i) Immediate supervision of the facility's health services, on all days of the week, shall be by a registered nurse

or a licensed practical (or vocational) nurse employed full-time on the day shift.

(j) In the facility where a licensed practical (or vocational) nurse serves as health services supervisor, consultation shall be provided by a registered nurse under formal contract at regular intervals, but not less than four (4) hours weekly.

(4) Community involvement and relations:

(a) The facility shall develop its programs and services to meet the needs of the community which it serves.

(b) Identification of available services and resources, i.e., emergency, transportation, medical care shall be made and use of these services shall be in cooperation with other groups (in the service community) concerned with health and welfare. The facility shall have communication with other facilities in the community to allow temporary or permanent placement of patients at the appropriate levels of care when advisable for the benefit of the patients.

(c) The staff and/or administrator of the program shall be encouraged to be involved in interagency and community planning and activities.

(d) If and when the facility conducts or participates in public information programs to promote understanding of the facility's programs and goals, either separately or in cooperation with agencies and groups in the service community, or in fund raising, it shall protect the confidential relationship of persons served.

1. The program and its representatives shall employ only ethical methods of publicity, promotion and solicitation of funds. Promotional materials shall not contain portrayals of the disabled as helpless.

2. No use shall be made of any living, deceased or disabled person's name or picture without prior permission of the individual or guardian concerned.

3. No rights shall be granted to profit making or non-profit making groups to couple their support of programs for the disabled with their sales promotions in such a manner as to exploit the disabled.

(5) Case records:

(a) The facility shall develop and maintain a system of records retention and filing to insure completeness and prompt location of each patient's records. These records shall be the property of the facility and shall be held confidential. The records shall be in ink or typed and shall be legible. Each entry shall be dated and signed. These shall include but not limited to the following:

1. Identification data including the patient's name, address and social security number (if available); name, address and telephone number of referral agency; name and telephone number of personal physician; name, address and telephone number of next of kin or other responsible person.

2. The patient's physician shall transmit a medical evaluation including medical history, physical examination and diagnosis. This admission information shall also include current medical findings, summary of the course of treatment in the transferring institution and verification of freedom from all contagious disease. The medical evaluation may be a copy of the discharge summary or history and physical report from a hospital or skilled nursing facility if done within fourteen (14) days prior to admission. The physician's orders shall include all medication, diet, treatment and any other orders required for the safety and well-being of the patient. These shall be dated and signed by the physician. The discharge and/or release summary shall be dated and signed by the attending physician.

3. A progress record shall be maintained relating to patient goals. It shall indicate any changes in the patient's

condition, actions, responses, attitude, appetite and other changes as noted by the staff; and shall include a discharge summary within one (1) month of discharge from the facility.

4. If consultants are involved in the intermediate care program, they shall make a written report of their findings and recommendations at the time of their visits. These shall be included in the patient's record.

5. A medication sheet shall be maintained which contains the date, time given, name of medication or prescription number, dosage and name of prescribing physician.

6. Nurse's notes shall indicate changes in patient's condition, actions, responses, attitudes, appetite, etc. These changes shall be recorded as they occur. Nursing personnel shall make notation of significant response to special treatment, medication, etc. There shall be a written assessment of the patient's general condition at least monthly by the nursing supervisor.

7. Reports of social services, dental, laboratory, x-ray and special reports shall be included in the case record.

8. A full written report of any incident or accident involving a patient, including medication errors or drug reactions, shall be made and signed by the administrator/health services supervisor and any staff member who may have been witness to the incident.

9. Records shall be retained for a minimum of five (5) years and for such additional time as deemed necessary by the governing body of the facility.

(b) Storage and transfer of records:

1. After death or discharge, the completed case record shall be placed in an inactive file and retained in accordance with applicable regulations governing the storage and retention of medical records.

2. In the event of a transfer to another health care facility, a copy of the patient's record or summary thereof, shall accompany the patient.

3. In multi-level facilities, the complete patient record shall be transferred with the patient.

(c) Responsibility for medical records: If the facility does not have a full or part-time medical records librarian, an employee shall be assigned to the responsibility of assuring that the medical records are maintained, completed and preserved according to paragraph (a) 9, of this subsection.

(6) Administrative records:

(a) The facility shall maintain a bound, permanent, chronological patient registry showing date of admission, name of patient, and date of discharge.

(b) The facility shall keep records of any personal money, regardless of source, or valuables kept by the facility for a patient. When purchases are made for a patient from personal monies, proper accounting shall be made.

(c) The facility shall require and maintain written recommendations or comments from consultants regarding the program and its development on a per visit basis.

(d) Menu and food purchase records shall be maintained.

(e) There shall be quarterly reports for all employees as needed for Social Security and Unemployment Compensation. Copies of these reports shall be made available to the department upon request.

(7) Fire control or disaster plan:

(a) The facility shall have a written procedure to be followed in case of fire, explosion or other emergency. It shall specify persons to be notified, locations of alarm signals and fire extinguishers, evacuation routes, procedures for evacuating patients, frequency of fire drills, and assignment of specific tasks and responsibilities to the personnel of each shift.

1. The plan shall be developed with the assistance of qualified fire and safety experts.

2. All personnel shall be trained to perform assigned tasks.

3. Simulated drill testing the effectiveness of the plan shall be conducted involving each shift at least one (1) time per quarter.

4. The plan shall be posted throughout the facility.

(b) Fire extinguishers, alarm signals and exits shall be clearly marked and visible.

(8) Environment:

(a) Infection control:

1. The intermediate care facility shall provide a sanitary environment to avoid sources and transmission of infections.

2. There shall be a plan for isolation of patients with contagious diseases.

(b) Housekeeping services:

1. The facility shall provide sufficient housekeeping and maintenance personnel to maintain the exterior and interior of the facility in a safe, clean, orderly and attractive manner.

2. Housekeeping personnel and staff, using accepted procedures and practices, shall keep the facility free from offensive odors, safety hazards, and accumulations of dirt, rubbish and dust.

3. Floors shall be cleaned regularly. Polishes on floors shall provide a non-slip finish; throw or scatter rugs shall not be used except for non-slip entrance mats.

4. Walls and ceilings shall be maintained free from cracks and falling plaster, and shall be cleaned and painted regularly.

5. Deodorizers shall not be used to cover odors caused by unsanitary conditions or poor housekeeping practices.

6. Combustibles such as cleaning rags and compounds shall be kept in closed metal containers.

7. The grounds shall be kept free from refuse and litter. Areas around buildings, sidewalks, gardens and patios shall be kept clear of dense undergrowth.

8. The facility shall be maintained free from insects and rodents.

9. A pest control program shall be in operation in the facility. Pest control services shall be provided by maintenance personnel of the facility or by contract with a pest control service.

10. Windows and doors shall be appropriately screened.

11. Harborage and entrances for insects and rodents shall be eliminated.

12. Garbage and trash shall be stored in areas separate from those used for the preparation and storage of food and shall be removed from the premises regularly. Containers shall be cleaned regularly.

13. Bathtubs, shower stalls and/or lavatories shall not be used for laundering, janitorial or storage purposes.

14. All cleaning compounds, insecticides and all other potentially hazardous compounds or agents shall be stored in locked cabinets or rooms.

(9) Transportation:

(a) If transportation of patients is provided by the facility to community agencies or other activities, the following shall apply:

1. Special provision shall be made for patients who use wheelchairs.

2. An escort or assistant to the driver shall be provided in transporting patients to and from the facility if necessary for patient's safety.

(b) The facility shall arrange for appropriate transportation, if available, when necessary for medical emergencies.

(10) Communicable disease policies:

(a) The administrator shall assume the responsibility of assuring that there is a minimum danger of transmission of communicable diseases.

(b) No person with a serious communicable disease shall knowingly be admitted to the facility. If, after admission, such a condition is suspected or diagnosed, the individual shall be placed in isolation until a transfer from the facility can be arranged. No individual may remain in the facility for more than seventy-two (72) hours after a diagnosis of a serious communicable disease has been made except a (non-infectious) tuberculosis patient under continuing medical supervision for his or her tuberculosis disease.

(c) A patient may be admitted with a diagnosis of tuberculosis with a physician's statement indicating that the patient is not infectious to others.

(11) Medical supervision of patients: The facility shall maintain policies and procedures to assure that each patient shall be under the medical supervision of a licensed physician.

(a) The patient (or his guardian) shall be permitted his choice of physician.

(b) The physician shall visit the patients as often as necessary and in no case less often than every sixty (60) days, unless justified otherwise and documented by the attending physician.

(c) Physician services shall include a complete physical examination at least annually and formal arrangements to provide for medical emergencies on a twenty-four (24) hour, seven (7) days-a-week basis.

(12) Psychiatric emergencies:

(a) If a patient becomes disturbed or unmanageable, his doctor will be notified immediately and the patient will be seen as soon as possible.

(b) Restraints can be used if ordered by the attending physician. In an emergency, restraints may be used temporarily, but in no case for a period to exceed twelve (12) hours. Restraints shall be applied only by personnel trained in proper application and observation of this equipment. Restraints as referred to by this regulation shall be those devices utilized to confine a patient that has become unmanageable thus requiring restraints as protection against endangering acts to self, other patients or staff. In no case shall a locking device be used.

(c) Mechanical restraints shall be employed only when absolutely necessary to protect the patient from injury to himself or to others. This does not include safety devices such as Posey vests, and other similar non-locking devices.

1. The facility shall have a written policy that defines the use of restraints and a mechanism for monitoring and controlling their use.

2. Restraints or safety devices shall not be employed as a punishment, for the convenience of staff or as a substitute for appropriate programs.

(d) During the psychiatric emergency an employee shall remain in the area of the patient under restraint at all times.

(e) The reason for ordering and using restraints shall be recorded in the clinical record. There shall be written policies covering the use of restraints.

(13) Patient care and safety:

(a) Missing, lost or runaway patient procedures shall include:

1. A written procedure for all three (3) shifts, which will specify in a step-by-step manner the actions which shall be taken by staff when a patient is determined to be lost, runaway, unaccounted for or on other unauthorized absence.

2. Specific, individualized staff responsibilities for

search of all locations in the facility and of its surroundings and, if necessary, notification of specific authorities and law enforcement agencies for assistance.

(b) A patient shall not be held in isolation except in the case of an emergency or suspicion of communicable disease; and in the case of an emergency, shall be attended by an employee until a change of condition has occurred or until the patient is transferred to a different facility.

(c) No patient, whose need for care shall exceed the abilities of the personnel of the facility to provide, shall be retained in that facility for a period longer than is required to obtain transfer to a facility where the required level of care can be provided.

(d) Utmost safety precautions relating to conditions and maintenance of floors, steps, doorways, furniture placement, beds, equipment of any type which may be contacted by patient (including heating and cooking equipment) shall be taken to prevent injury or accident. Poisonous cleansing supplies shall be kept in locked storage areas.

(14) Patient accommodations:

(a) Furnishings:

1. There shall be a standard size bed for each patient which is at least thirty-six (36) inches wide, of standard length with head board and foot board, and which is of sturdy construction and in good repair. Cots, roll-away, double or folding beds shall not be used.

2. Each bed shall be provided with satisfactory type springs or similar support structure in good repair and a clean, firm, comfortable mattress and covers of appropriate size for the bed.

3. Each bed shall be provided with a minimum of one (1) clean, comfortable pillow. If the pillow is not made with a waterproof washable fabric, the pillow shall be sterilized after it has been used by one (1) patient before it is used by another.

4. Bedroom windows shall have window shades or equivalent in good repair.

5. For each patient unit, the following shall be furnished: individual reading light; bedside cabinet; comfortable chair; accessible storage space for clothing and other possessions.

6. Each patient's room shall have a night light. In multipatient rooms, each bed shall have flame retardant cubicle curtains or partitions.

7. There shall be a sufficient number of tables provided that can be rolled over a patient's bed, or one that can be placed next to a bed to serve every patient that does not eat in a dining room or area.

8. Each living room or lounge area and recreation area used for patients shall be provided with an adequate number of reading lamps, tables and chairs or settees. These furnishings shall be well constructed and of satisfactory design for the patients.

9. Dining room furnishings shall be adequate in number, well constructed, and of satisfactory design for the patients.

10. Each patient shall be permitted to have his own radio and/or television set in his room unless it interferes with or is disturbing to other patients.

(b) Equipment: There shall be a sufficient quantity of patient care equipment of satisfactory design and in good condition to carry out established patient care procedures. This shall include, but not be limited to, the following:

1. Wheelchairs with brakes;
2. Walkers;
3. Metal bedside rails;
4. Bedpans and urinals (permanent or disposable);

5. Emesis basins and wash basins (permanent or disposable);

6. Footstools;

7. Bedside metal commodes;

8. Foot cradles;

9. Foot boards;

10. Under the mattress bed boards;

11. Trapeze frames;

12. Transfer board; and

13. An autoclave for sterilization of nursing equipment and supplies or an equivalent alternate method of sterilization is provided.

(c) Linens: There shall be a sufficient supply of linen and bedding in good condition to provide proper care and comfort to the patients. The following procedures will be followed for the handling of soiled and cleaned linen:

1. Soiled linen shall be placed in washable or disposable containers, transported in a sanitary manner and stored in separate, well-ventilated areas in a manner to prevent contamination and odors.

2. Soiled linen shall not be permitted to accumulate excessively in any area of the facility.

3. Soiled linen shall be handled and stored in such a manner as to prevent contamination of clean linen. Equipment of areas used to transport or store soiled linen shall not be used for handling or storing of clean linen.

4. Soiled linen shall not be stored, laundered, rinsed or stored in bathrooms, patients' rooms, kitchens or food storage areas.

5. Handwashing facilities with hot and cold running water, soap dispenser and paper towels shall be available in the laundry area where soiled linen is handled or sorted.

6. Personal laundry of patients, or staff shall also be collected, transported, sorted, washed and dried in a sanitary manner, separate from bed linens.

7. Clean linen shall be sorted, dried, ironed, and folded in a specified area separate from soiled linens and in a sanitary manner.

8. Clean linen shall be transported, stored and distributed in a sanitary manner.

9. Clean linen and clothing shall be stored in clean, dry, dust-free closets on each floor that are easily accessible to the nurses' station and such closets shall not be used for any other purpose.

10. When feasible, arrangements shall be made so that patients who wish to do so have a safe and convenient place to wash out and dry a small amount of personal laundry.

11. When applicable, laundry personnel shall be appropriately uniformed and adequate storage space shall be provided for the storage of their street clothing.

(15) Patients' rights: Patient rights shall be provided for pursuant to KRS 216.510 to 216.525.

Section 5. Services-General: All programs and services shall have: (1) Written policies and procedures which govern all areas of services provided by the facility which shall be developed with the assistance of a registered nurse, and/or other professional staff employed by the facility or under contract to the facility.

(2) An orientation program conducted for all new employees that includes review of facility policies, patient care and service policies, and emergency and disaster instructions.

Section 6. Nutrition and Dietary Services: The facility shall provide or contract for food service to meet the

dietary needs of the patients including modified diets or dietary restrictions as prescribed by the attending physician.

(1) Director of food service: Each facility shall have a full-time person qualified by training and experience designated by the administrator, responsible for the total food service operation of the facility and who shall be on duty a minimum of thirty-five (35) to forty (40) hours each week. Such a person may be a qualified dietitian or nutritionist. If the facility provides therapeutic diets, and the food service director is not a qualified dietitian or nutritionist, consultation by a qualified dietitian shall be provided or the diets shall be reviewed and approved by the attending physician.

(2) Dietary staffing: There shall be sufficient number of food service personnel employed and their working hours, schedules of hours, on duty and days off shall be posted. Employees personal hygiene:

(a) No person, while afflicted with any disease in a communicable stage, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or acute respiratory infections, shall work in areas in any capacity in which there is likelihood of such person contaminating food, or food surfaces with pathogenic organism, or transmitting disease to other individuals.

(b) If any food service personnel are assigned duties outside the dietary department, the duties shall not interfere with the sanitation, safety or time required from regular dietary assignments.

(c) Employees shall wear apparel appropriate to their jobs and shall adhere to good sanitation practices.

(d) Hairnets, caps or other effective hair restraints shall be used by all employees (male and female) engaged in the preparation and serving of food.

(e) Dietary employees shall not use tobacco in any form while engaged in any dietary department procedure.

(3) Food service functions and areas:

(a) Physician's diet order: The diet order shall be specific, complete and in writing.

(b) Menu planning:

1. Menus shall be planned, written and rotated according to a definite pattern. Nutrition needs shall be met in accordance with the current recommended dietary allowances of the nationally accepted dietary authorities, and in accordance with physician's orders.

2. Meals shall correspond with the posted menu; when changes in the menu are necessary, substitutions shall provide equal nutritive value and the changes shall be recorded on the menu and kept on file for thirty (30) days.

3. The daily menu shall include daily diet for all modified diets served within the facility based on an approved diet manual. (The diet manual shall be a current manual with copies available in the dietary department, that has the approval of the professional staff of the facility. The diet manual shall indicate nutritional deficiencies of any diet. The dietitian shall correlate and integrate the dietary aspects of the patient care with the patient and patient's chart through such methods as patient instruction, recording diet histories and participation in rounds and conferences.)

(c) Quality of food:

1. At least three (3) meals or their equivalent shall be served daily with not more than a fourteen (14) hour span existing between substantial evening meal and breakfast.

2. Meals shall be served at regular times with between meals or bedtime snacks of nourishing quality offered.

(d) Preparation and serving of food: Foods shall be prepared by methods that conserve nutritive value, flavor

and appearance and attractively served at the proper temperatures, and in a form to meet the individual needs. (A file of tested recipes, adjusted to appropriate yield shall be maintained.)

1. Food shall be cut, chopped or ground to meet individual needs. If a patient refuses foods served, substitutions shall be offered.

2. Trays provided bedfast patients shall rest on firm supports such as overbed tables. Sturdy tray stands of proper height are provided for patients able to be out of bed.

3. Correct positioning of the patient to receive his tray shall be the responsibility of the direct patient care staff. Patients requiring help in eating shall be assisted by trained personnel.

4. Adaptive self-help devices shall be provided to contribute to the patient's independence in eating.

(e) Maintenance of sanitary conditions:

1. Equipment and work areas shall be clean and orderly. Effective procedures for cleaning all equipment and work areas shall be followed consistently to safeguard the health of the patient. The dietary department shall be routinely inspected and approved by the state or local health agencies as a food handling establishment. Written reports of the inspection shall be on file with recommendations.

2. Dry or staple food items shall be stored at least six (6) inches off the floor in a ventilated room which is not subject to sewage or waste water back-flow, or contamination by condensation, leakage, rodents, or vermin.

3. All cleaning agents and supplies shall be stored separately from food supplies.

4. All perishable foods shall be refrigerated at the appropriate temperature and in an orderly and sanitary manner. All refrigerators shall have thermometers conveniently located to spot check frequently.

5. Foods being displayed or transported shall be protected from contamination by being properly covered.

6. Only appropriate personnel shall be allowed in the food production and serving areas of the dietary department at any time.

7. Where mechanical dishwashers are used, dishwashing procedures and techniques shall be well-developed, understood, and carried out in compliance with the state and local health codes and with periodic check on: detergent dispenser operation, washing, rinsing, and sanitizing temperature of 180 degrees Fahrenheit for rinse cycle, machine and jets.

8. Where dishes are washed manually, the following techniques shall be employed: A three (3) compartment sink shall be provided; the utensils shall be washed in hot water at a temperature of 110 to 120 degrees Fahrenheit containing an adequate amount of an effective soap or detergent. Water shall be kept clean by changing it frequently.

9. Sanitizing of hand-washed dishes: Following hand washing, all utensils shall be sanitized by either submerging all utensils for thirty (30) seconds in clean water maintained at a temperature of 180 degrees Fahrenheit, or more, or all utensils shall be submerged for at least two (2) minutes in a hypochlorite solution. The solution shall be made up with chlorine concentration of at least 100 parts per million and shall be discarded when the chlorine concentration goes below fifty (50) parts per million. All hypochlorite solutions shall be prepared fresh at least three (3) times each day prior to its use in sanitizing the dishes used at each main meal period, and at least twice each day if only glassware is sanitized. Soaps, water softeners, washing compounds and detergents shall not be added to hypochlorite solutions. Utensils should be racked by

baskets so that all surfaces will be reached by the chemical solution while submerged. Other chemical sanitizing solutions shall be approved for use by the state health officer in which case the concentration will be specified.

10. Thermometer: A suitable thermometer shall be provided for frequent determination of the temperature of the water used for sanitizing, washing, and rinsing utensils.

11. All garbage and kitchen refuse shall be disposed of through a disposal or kept in leak proof, nonabsorbent containers with close fitting covers and shall be disposed of daily in a manner that will not permit transmission of disease, a nuisance, or a breeding place for flies. All garbage containers shall be thoroughly cleaned inside and out each day.

Section 7. Activities and Therapeutic Recreation: (1) All facilities shall provide or shall designate a person as an activity director who is responsible for developing and implementing the activity program.

(2) Patients, both ambulatory and non-ambulatory, are encouraged, but not forced, to participate in planned activities appropriate to the patients' needs.

(3) The patient activities program is designed to:

(a) Stimulate physical and mental abilities to the fullest extent;

(b) Encourage and develop a sense of usefulness and self respect;

(c) Include activities which inhibit, prevent, or overcome the development of symptoms of physical and mental regression due to illness or old age;

(d) Include, whenever possible, the patient and his family in planning of and participation in activities;

(e) Be of sufficient variety that they meet the needs of the various types of patients in the facility;

(f) Include religious activities for each patient if it is the desire of the patient to participate; requests from a patient to be seen by a clergyman are acted upon as soon as possible, and an area for consultation is made available to the patient who desires a private visit from the clergyman;

(g) Allow the patient to leave the facility to visit, shop, attend church, or other social activities provided this does not endanger his health; and

(h) Be planned in group and individual projects and programs and available to all patients.

(4) An activities program is developed for each patient, incorporated in the overall patient's plan of care and reviewed and revised, if necessary, every four (4) months.

(5) The patient's participation in the activities program and significant changes in his response to activities are entered into his patient record.

(6) The activities director maintains a current list of patients on which precautions are noted regarding a patient's condition that might restrict or modify his participation in the program.

(7) The schedule and/or calendar for the activity program shall be current and shall be posted on a general patient area within the facility.

(8) The facility provides indoor and outdoor space, supplies, and equipment for the program.

Section 8. Social Services: The facility provides or arranges for social services as needed by the patient, designed to promote preservation of the patient's physical and mental health.

(1) A designated staff member suited by training or experience is responsible for arranging for social services and

for the integration of social services with other elements of the plan of care.

(2) A plan for such care is recorded in the patient's record and is periodically evaluated in conjunction with the patient's total plan of care.

(3) Social services patient records shall be maintained as an integral part of the patient's case record.

Section 9. Pharmaceutical Services: Whether drugs are generally procured from community or institutional pharmacists or stocked by the facility, the facility shall have methods for its pharmaceutical services that are in accordance with accepted professional practices.

(1) Procedures for administration of pharmaceutical services: The facility shall provide appropriate methods and procedures for obtaining, dispensing, and administering of drugs and biologicals, developed with the advice of a staff pharmacist, a consultant pharmacist, or a pharmaceutical advisory committee which includes one (1) or more licensed pharmacists.

(a) If the facility has a pharmacy department, a licensed pharmacist shall be employed to administer the pharmacy department.

(b) If the facility does not have a pharmacy department, it shall have provision for promptly and conveniently obtaining prescribed drugs and biologicals from a licensed community or institutional pharmacy.

(c) An emergency medication kit approved by the facility's group of professional personnel shall be kept readily available.

(d) The facility shall have written policies covering pharmaceutical services which shall be developed with the advice of a group of professional personnel and which shall be reviewed at least annually. Pharmacy policies and procedures shall be developed with the advice of a committee of the professional staff of the facility.

(2) Conformance with physician's orders: All medications administered to patients shall be ordered in writing. Oral orders shall be given only to a licensed nurse or pharmacist, immediately reduced to writing, and signed. Medications not specifically limited as to time or number of doses, when ordered, shall be automatically stopped in accordance with written policy on stop orders. A nurse and the prescribing physician shall review, not necessarily at the same time, as a committee, the patient's medication profile at least every three (3) months. The patient's attending physician shall be notified of stop order policies and contacted promptly for renewal of such orders so that continuity of the patient's therapeutic regimen is not interrupted. Medications are released to patients on discharge or visits only after being labeled appropriately and on the written authorization of the physician.

(3) Administration of medications: All medications shall be administered by trained personnel. Each dose administered shall be recorded in the clinical record. If in case of emergency, intravenous injections are necessary, they shall be administered by a licensed physician or a registered nurse.

(a) The nursing station shall have readily available items necessary for the proper administration of medication.

(b) Medications prescribed for one (1) patient shall not be administered to any other patient.

(c) Self-administration of medications by patients shall not be permitted except for drugs on special order of the patient's physician or in a predischARGE program under the supervision of a licensed nurse or pharmacist. (The medication shall remain in the container provided by the pharmacist.)

(d) Medication errors and drug reactions shall be immediately reported to the patient's physician and pharmacist and an entry thereof made in the patient's clinical record as well as on an incident report.

(e) Up-to-date medication reference texts (P.D.R.) and other sources of information shall be provided, such as the American Hospital Formulary Service of the American Society of Hospital Pharmacists or other suitable references.

(4) Labeling and storing medications: Patient's medications shall be properly labeled and stored in a locked cabinet at the nurses' station.

(a) The label of each patient's individual medication container clearly indicates the patient's full name, physician's name, prescription number, name and strength of drug, date of issue, and expiration date of all time-dated drugs.

(b) Medication containers having soiled, damaged, incomplete, illegible, or makeshift labels shall be returned to the issuing pharmacist or pharmacy for relabeling or disposal. Containers having no labels shall be destroyed in accordance with state and federal laws.

(c) The medications of each patient shall be kept and stored in their originally received containers and transferring between containers shall be forbidden, except as noted in subsection (3)(c) of this section.

(d) Separately locked boxes, or drawers securely fastened down within the locked medicine cabinet shall be provided for storage of narcotics, barbiturates, amphetamines, and other dangerous drugs subject to the current Controlled Substance Act or subsequent amendments thereof.

(e) Cabinets shall be well lighted and of sufficient size to permit storage without crowding.

(f) Medications requiring refrigeration shall be kept in a separate locked box within a refrigerator at or near the nursing station.

(g) Medications for "external use only" shall be kept in a locked cabinet and separate from other medications.

(h) Medications no longer in use shall be disposed of or destroyed in accordance with federal and state laws and regulations.

(i) Medications having an expiration date shall be removed from usage and properly disposed of after such date.

(5) Controlled substances: The facility complies with all federal and state laws and regulations relating to the procurement, storage, dispensing, administration and disposal of controlled substances, those drugs subject to the federal and state Controlled Substance Acts, and other legend drugs. A controlled substances record shall be maintained which lists on separate sheets for each type and strength of controlled substances the following information: date, time administered, name of patient, dose, physician's name, signature of person administering dose and balance.

Section 10. Dental Services: The facility shall assist patients in obtaining dental services. Conditions necessitating dental services shall be noted and such dental procedures and services shall be recorded in the patient's record.

Section 11. Nursing Services: (1) Immediate supervision of the facility's health services on all days of each week is by a registered nurse or licensed practical nurse employed on the day shift.

(a) In the case of facilities where a licensed practical nurse serves as supervisor of health services, consultation is provided in the facility by a registered nurse, through for-

mal contract, at regular intervals, but not less than four (4) hours weekly.

(b) The supervisor of health services shall have training and knowledge in restorative nursing.

(2) The responsibilities of the health services supervisor shall be in:

(a) Developing and/or maintaining nursing service objectives, standards of nursing practice, nursing procedure manuals, and written job description for each level of nursing personnel.

(b) Recommending to the administrator the number and levels of nursing personnel to be employed, participating in their recruitment and selection and recommending termination of employment when necessary.

(c) Assigning and supervising all levels of nursing care.

(d) Participating in planning and budgeting for nursing care.

(e) Participating with the interdisciplinary team in the development and implementation of patient care policies.

(f) Coordinating nursing services with other patient care services.

(g) Participating in the screening of prospective patients in terms of required nursing services and nursing competencies available.

(h) Assuring that a current nursing care plan is established for each patient and that his plan is reviewed and modified as necessary (but not less than quarterly). Plan shall indicate (long and short term goals), nursing care needed, how it is to be accomplished, and methods, approaches and modifications necessary to insure best results for the patient.

(i) Assuring that all medications are administered by licensed personnel (physician or nurse) or by other personnel who have completed a state-approved training program. There shall be trained personnel in the facility at all times for supervision. Intravenous medication shall be limited to emergency situations and shall be administered by physicians, or registered nurse. Each dose shall be promptly charted in the patient's medical record.

(j) Assuring that the registered nurse reviews, monthly, each patient's medications and notifies the physician when changes are appropriate of pertinent information; the registered nurse or consultant participates with the physician (not necessarily at the same time) in a review of medication orders at least quarterly.

(k) Assuring that acceptable in-service and/or continuing education for all nursing personnel shall be conducted at least quarterly or its equivalent. (Provided by in-service or continuing education.) Also assuring that an orientation program shall be written and implemented for all levels of nursing personnel.

(l) Assuring that minutes of all meetings and in-service educational programs are recorded and available to staff members involved in patient care.

(m) Assuring the accuracy and legibility of the nurse's notes which must contain but are not limited to the following situations or circumstances: frequency of treatments rendered; response to treatments rendered; mode and frequency of p.r.n. medications administered; symptoms or condition necessitating administration of p.r.n. medication when indicated; reaction following p.r.n. medication when indicated; visits by the physician and phone calls to the physician; unusual conditions or symptoms as they occur; the recording of medically prescribed diets in the patient's clinical record; (The patient shall be observed at all meals and persistent failure to eat shall be noted.); and restorative nursing measures.

(n) Restorative measures shall be practiced on a twenty-

four (24) hour, seven (7) day week basis in the care of patients. Those procedures requiring medical approval shall be ordered by the attending physician. Restorative measures shall include, but are not limited to the following procedures:

1. Positioning and turning: Nursing personnel shall encourage and/or assist patients in maintaining good body alignment while standing, sitting, or lying in bed.

2. Exercises: Nursing personnel shall assist patients in maintaining maximum joint range of motion and/or active range of motion.

3. Bowel and bladder training: Nursing personnel shall assist incontinent patients to gain bowel and bladder control.

4. Training in activities of daily living: Nursing personnel shall encourage and when necessary, teach patients to function at their maximum level in appropriate activities of daily living for as long as, and to the degree that, they are able.

5. Ambulation: Nursing personnel shall assist and encourage patients with daily ambulation unless otherwise ordered by the physician.

(3) Nursing services shall include but not be limited to:

(a) Assessment of nursing needs and, where appropriate, direct nursing intervention; by:

1. Proper administration of medications including oral, rectal, hypodermic, and intramuscular;

2. The proper carrying out of treatments such as: enemas, irrigations, catheterizations, applications of dressings or bandages, supervision of special diets, restorative measures and other treatments involving a like level of skill;

3. Objective observations of changes in a patient's condition, (including mental and emotional changes, as a means for analyzing and determining care required and/or the need for further medical evaluation and treatment);

4. Personal care and hygiene such as clean, neat, well-groomed hair; clean, trimmed fingernails and toenails; clean skin and freedom from offensive odors; clean mouth and teeth; and care of the lips to prevent dryness and cracking; and

5. Encouragement of patients to be dressed in their own clothing whenever possible (unless otherwise indicated by the physician, this should be street clothes and shoes).

(b) Implementing a regular program with special emphasis on the following to prevent decubiti:

1. A system to maintain cleanliness of the patient, his clothes and linens, shall be followed each time the bed or the clothing is soiled. Rubber, plastic, or other type of linen protectors (newspapers not acceptable) shall be properly cleaned and completely covered to prevent direct contact with the patient.

2. Special effort shall be made to assist the patient in being up and out of bed as much as his condition permits. The patient may be denied this assistance only upon the written order of his physician. If the patient cannot move himself, he shall have his position changed as often as necessary but not less than every two (2) hours.

3. Treatment of decubitus in the facility will depend on the physician's judgment of the capability of the facility.

(c) Instruction and supervision of nursing staff in the following:

1. Basic skills required to meet the nursing needs of the patients;

2. Basic first aid practices to minimize injury from commonly encountered emergencies; and

3. Personnel should be knowledgeable of the proper use and location of emergency and life-supporting equipment.

(d) Participation on appropriate facility committees.

Section 12. Separability. If any clause, sentence, paragraph, section or part of these regulations shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy in which the judgment was rendered.

MASON C. RUDD, Chairman

ADOPTED: April 21, 1980

RECEIVED BY LRC: May 6, 1980 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mason C. Rudd, Chairman, Kentucky Health Facilities and Health Services, Certificate of Need and Licensure Board, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES

Bureau for Health Services

Certificate of Need and Licensure Board

(Proposed Amendment)

902 KAR 20:055. Intermediate care facilities; construction and alteration.

RELATES TO: KRS 216.405 to 216.485, 216.990(2)

PURSUANT TO: KRS 13.082, 216.425

NECESSITY AND FUNCTION: This regulation, which relates to the construction and alteration of intermediate care facilities, is being promulgated pursuant to the mandate of KRS 216.425(3) that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services.

Section 1. Definition. Intermediate care services are provided intermittently on a twenty-four (24) hour basis by establishments with permanent facilities and health related services to patients who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide, but who because of their mental or physical condition require care and services (above the level of room and board) which can be made available to them only through institutional facilities on an inpatient basis.

Section 2. Essential Characteristics. All intermediate care services shall have provisions for the following essential characteristics:

- (1) A governing authority legally responsible for the conduct of the facility;

- (2) An administrator licensed by the State Board of Licensure for Nursing Home Administrators to whom the governing authority delegates full-time responsibility for the operation of the facility in accordance with established policy;

- (3) Inpatient care;

- (4) Twenty-four (24) hour supervision (at various levels) according to patient need;

- (5) Diagnostic care and evaluation according to need;
- (6) Treatment and/or training of the type and frequency required by specific patient needs as detailed in an individual "plan of care;"
- (7) Cooperation with appropriate community planning and referral agencies where available for admission and discharge of patients;
- (8) Social services as needed by the patients through direct provision or arrangement;
- (9) A current and complete record maintained for each patient;
- (10) An organized food service which meets the nutritional needs of the patients, with special diets regularly available;
- (11) A plan for independent and group activities;
- (12) A written patient care policy governing patient treatment in the facility;
- (13) Maintaining effective arrangements for required institutional services through a written agreement with an outside resource in those instances where the facility does not employ a qualified professional person to render a required service. The terms of agreement with each such resource are delineated in writing and signed by the administrator or authorized representative and the resource;
- (14) Written transfer agreements with other health facilities in the service area will provide a level of inpatient care not provided by the intermediate care facility. Any facility which does not have such an agreement in effect but which is found by the survey agency to have attempted in good faith to enter into such an agreement with another health facility shall be considered to have such an agreement in effect if and for so long as the survey agency finds that to do so is in the public interest and essential to assuring intermediate care facility services for eligible persons in the community;
- (15) Intermittent appraisal and intervention by trained nursing personnel is on a twenty-four (24) hour basis;
- (16) Medical management by a licensed physician and scheduled intermittent diagnostic care is provided;
- (17) Restorative nursing care is provided to each patient to achieve and maintain the highest possible degree of function, self-care and independence.

Section 3. Preparation of Plans and Specifications. After receiving certificate of need approval from the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board, the following procedures and regulations will be followed:

- (1) Before construction is begun for the erection of new buildings or alterations to existing buildings or any change in facilities, for an intermediate care facility, the licensee or applicant shall submit plans to the licensing agency for approval.
- (2) Architectural drawings must bear the seal of an architect registered in the Commonwealth of Kentucky and the mechanical and electrical drawings must bear the seal of a professional engineer registered in the Commonwealth of Kentucky.
- (3) Drawings shall not exceed thirty-six (36) inches by forty-six (46) inches when trimmed.

Section 4. Submission of Plans and Specifications for Intermediate Care. (1) First stage; schematic plans:

- (a) Single line drawings of each floor shall show the relationship of the various departments or services to each other and the room arrangement in each department. The name of each room shall be noted. Drawings shall include typical patient room layouts (scaled $\frac{1}{4}" = 1'0"$) with

dimensions noted. The proposed roads and walks, service and entrance courts, parking and orientation shall be shown in a plot plan.

(b) If the project is an addition, or is otherwise related to existing buildings on the site, the plans shall show the facilities and general arrangements of those buildings.

(2) Second stage; preliminary plans. preliminary sketch plans shall include the following:

- (a) Architectural:
 - 1. Plans of basement, floors, and roof showing space assignment, sizes, and outline of fixed and movable equipment;
 - 2. All elevations and typical sections;
 - 3. Plot plan showing roads, parking, and sidewalks;
 - 4. Areas and bed capacities by floors.
- (b) Mechanical:
 - 1. Single line layout of all duct and piping systems;
 - 2. Riser diagrams for multistory construction;
 - 3. Scale layout of boilers and major associated equipment and central heating, cooling, and ventilating units.
- (c) Electrical:
 - 1. Plans showing space assignment, sizes and outlines of fixed equipment such as transformers, main switch and switchboards, and generator sets;
 - 2. Simple riser diagram for multisory building construction, showing arrangement of feeders, subfeeders, bus work, load center, and branch circuit panels.
- (d) Outline specifications:
 - 1. General description of the construction, including interior finishes, types and locations of acoustical material, and special floor covering;
 - 2. Description of the air-conditioning, heating, and ventilation systems and their controls, duct and piping systems; and dietary, laundry, and other special equipment;
 - 3. General description of electrical service including voltage, number of feeders, and whether feeders are overhead or underground.

(3) Third stage; contract documents:

- (a) Working drawings. Working drawings shall be complete and adequate for bid, contract, and construction purposes. Drawings shall be prepared for each of the following branches of the work: architectural, structural, mechanical, and electrical. They shall include the following:

- 1. Architectural drawings:
 - a. Approach plan showing all new topography, newly established levels and grades, existing structures on the site (if any), new building structures, roadways, walks, and parking areas;
 - b. Plan of each basement, floor and roof;
 - c. Elevations of each facade;
 - d. Sections through building;
 - e. Required scale and full-size details;
 - f. Schedule of doors, windows, and room finishes;
 - g. Equipment. Location of all fixed equipment. Layout of typical and special rooms indicating all fixed equipment and major items of movable equipment. Equipment not included in contract shall be so indicated;
 - h. Conveying systems. Details of construction, machine and control spaces necessary, size and type of equipment, and utility requirements for the following: dumbwaiters; electric, hand, hydraulic; elevators: freight, passenger, patient; loading dock devices; pneumatic tube systems.

2. Structural drawings:

- a. Plans for foundations, floors, roofs, and all intermediate levels with sizes, sections, and the relative location of the various structural members;

- b. Dimensions of special openings;
- c. Details of all special connections, assemblies, and expansion joints.

3. Mechanical drawings:

a. Heating, steam piping, and air-conditioning systems: Radiators and steam heated equipment, such as warmers and steam tables; heating and steam mains and branches with pipe sizes; diagram of heating and steam risers with pipe sizes; sizes, types, and capacities of boilers, furnances, hot water heaters with stokers, oil burners, or gas burners; pumps, tanks, boiler breeching, and piping and boiler room accessories; air-conditioning systems with required equipment, water and refrigerant piping and ducts; supply and exhaust ventilation systems with heating/cooling connections and piping; air quantities for all room supply and exhaust ventilating duct openings.

b. Plumbing, drainage, and standpipe systems; size and elevation of: street sewer, house sewer, house drains, street water main, and water service into the building; location and size of soil, waste, and water service with connections to house drains, clean-outs, fixtures, and equipment; size and location of hot, cold and circulating branches, and risers from the service entrance, and tanks; riser diagram of all plumbing stacks with vents, water risers, and fixture connections; oxygen and vacuum systems; standpipe and sprinkler systems where required; all fixtures and equipment that require water and drain connections.

4. Electrical drawings:

a. Electric service entrance with switches and feeders to the public service feeders, characteristics of the light and power current, transformers and their connections if located in the building;

b. Location of main switchboard, power panels, light panels, and equipment. Diagram of feeders and conduits (with schedule of feeder breakers or switches);

c. Light outlets, receptacles, switches, power outlets, and circuits;

d. Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets, and branch conduits;

e. Nurses' call systems with outlets for beds, duty stations, door signal light, annunciators, and wiring diagrams;

f. Emergency electrical systems with outlets, transfer switch, sources of supply, feeders, and circuits;

(b) Specifications. Specifications shall supplement the drawings to fully describe types, sizes, capacities, workmanship, finishes and other characteristics of all materials and equipment and shall include:

1. Cover or title sheet;

2. Index;

3. Sections describing materials and workmanship in detail for each class of work;

4. General conditions, which must contain the following requirements: Access to the work. Representatives of the appropriate state agencies will have access at all reasonable times to the work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

(4) Fourth stage: All plans and specifications must be approved by the State Fire Marshal's office and the state licensure agency prior to commencement of construction.

Section 5. Code and Standards. (1) General. Nothing stated herein shall relieve the sponsor from compliance with building codes, ordinances, and regulations which are enforced by city, county, or state jurisdictions.

(2) The following codes and standards will apply where applicable and as adopted by the respective agency authority.

(a) Current Kentucky standards of safety regulations applicable to intermediate care facilities.

(b) Current Kentucky plumbing standards regulations applicable to intermediate care facilities.

(c) Current Kentucky standards for air contaminants for incinerators regulations applicable to intermediate care facilities.

(d) Current Kentucky standards for elevators regulations applicable to intermediate care facilities.

(e) Current Kentucky standards for making buildings and facilities accessible to and usable by the physically handicapped regulations applicable to hospitals.

(3) Prior to occupancy, facility must have final approval from appropriate agencies.

Section 6. Facility Requirements and Special Conditions. (1) These regulations, except Section 5 which may be administered independent from these regulations, apply to the construction of new facilities and facilities that are being converted to intermediate care. Existing facilities will be expected to make a concerted and demonstrated effort to fully comply with these regulations and must prove to the satisfaction of the board that there are valid, reasonable, and specific justifications for not being in full compliance. The board, however, reserves the right to establish deadlines for compliance to standards of significant importance as determined by the board.

(2) These standards are intended for facilities to be licensed as intermediate care facilities. There are other separate and unique construction and facility standards applicable only to the specific level of care intended which are not interchangeable.

(3) Independent facilities with a capacity of fifty (50) beds or less present special problems. The sizes of the various departments will depend upon the requirements of the facilities. Some functions allotted separate spaces or rooms in these general standards may be combined provided that the resulting plan will not compromise the best standard of safety and of medical and nursing practices and the social needs of patients. In other respects, the general standards set forth herein, including the area requirements, shall apply.

(4) Facilities shall be available to the public, staff, and patients who may be physically handicapped with special attention given to ramps, drinking fountain height, tilted mirrors, etc.

(5) The number of beds in a nursing unit shall not exceed sixty (60) unless additional services are provided, as deemed necessary by the Certificate of Need and Licensure Board. At least sixty-six (66) percent of the beds shall be located in rooms designed for one (1) or two (2) beds.

(6) Access to the facility shall be by means of a paved or gravel roadway which shall be available for use by traffic prior to a license being issued to the facility for occupancy.

Section 7. Nursing Unit. (1) Patient rooms. Each patient room shall meet the following requirements:

(a) Maximum room capacity: four (4) patients;

(b) Minimum room area exclusive of built-in closet, toilet rooms, lockers, wardrobes and vestibules: 100 square feet in one (1) bedroom and eighty (80) square feet per bed in multibed rooms.

(c) Multibed rooms shall be designed to permit not less than a four (4) foot space between beds, and at least three (3) foot space between the side of a bed and the nearest

wall, fixed cabinet, or heating/cooling element. A minimum of four (4) feet is required between foot of bed and opposite wall, or foot of opposite bed in multibed rooms;

(d) Window. All patient rooms must have windows opening to the outside. Sill shall not be higher than three (3) feet above the floor and shall be above grade. Window area to be at least ten (10) percent of patient room floor area;

(e) Nurses' calling station(s): (See Section 16(6));

(f) Lavatory. *In single and two (2) bed rooms with a private toilet room, the lavatory may be located in the toilet room. Where two (2) patient rooms share a common toilet, a lavatory shall be provided in each patient room; [In all patient rooms there shall be a lavatory];*

(g) Wardrobe or closet for each patient. Minimum clear dimensions: one (1) foot and ten (10) inches deep by one (1) foot and eight (8) inches wide with full length hanging space; provide clothes rod and shelf;

(h) A method of assuring visual privacy for each patient shall be provided in each multi-bed patient room and in tub, shower and toilet rooms (cubicle curtains, built-in partitions, etc.);

(i) No patient room shall be located more than 120 feet from the nurses' station, the clean workroom, and the soiled workroom. No room shall be used as a patient room where the access is through another patient's room.

(2) Patient toilet rooms:

(a) Provide a centralized toilet area for each sex on every floor. One (1) toilet for each eight (8) residents or fraction thereof and one (1) lavatory for each sixteen (16) residents or fraction thereof is required. Toilets must be separated by a permanent partition and at least one (1) toilet for each sex must be designed for wheelchair use.

(b) At least one (1) toilet must be easily usable by wheelchair patients. Grab bars shall be provided at all toilets;

(c) Doors to toilet rooms shall have a minimum width of two (2) feet and ten (10) inches to admit wheelchair.

(3) Service areas in each nursing unit. The size of each service area will depend on the number and types of beds within the unit and shall include:

(a) Nurses' station. For nurses' charting, doctors' charting, communications, and storage for supplies and nurses' personal effects;

(b) Staff lounge area. Shall have adequate space for lockers and have its own toilet room.

(c) Clean workroom. For storage and assembly of supplies for nursing procedures; shall contain work counter and sink;

(d) Soiled workroom. Shall contain clinical sink, work counter with two (2) compartment sink, waste receptacles, and soiled linen receptacles.

(e) Medication area. Adjacent to nurses' station; with sink, refrigerator, locked storage, and facilities for preparation and dispensing of medication. (May be designated area within clean workroom if a self-contained cabinet is provided.) Controlled substances locker must be under double lock.

(f) Clean linen storage. Enclosed storage space. (May be designated area within the clean workroom);

(g) Equipment storage room. For storage of IV stands, inhalators, air mattresses, walkers, and similar bulky equipment;

(h) Patient baths. One (1) shower stall or one (1) bathtub shall be required for each twelve (12) beds not individually served. There shall be at least one (1) free standing bathtub in each bathroom. Grab bars shall be provided at all

bathing fixtures. Each bathtub or shower enclosure in central bathing facilities shall provide space for private use, for dressing and for a wheelchair and attendant. At least one (1) shower in the central bathing facilities shall not be less than four (4) feet square, without curbs, and designed to permit use from a wheelchair. Soap dishes in showers and bathrooms shall be recessed.

(i) Janitor's closet. Storage of housekeeping supplies and equipment. Floor receptor or service sink;

(j) Bedpan washing facilities shall be provided on each floor and shall be so located that bedpans need not be carried through lobbies and dining areas.

(4) Patients' dining, TV viewing and recreation areas:

(a) The total areas set aside for these purposes shall be not less than thirty (30) square feet per bed for the first fifty (50) beds and twenty (20) square feet per bed for all beds in excess of fifty (50). Additional space shall be provided for outpatients if they participate in a day care program;

(b) Storage shall be provided for recreational equipment and supplies. (Such as wall cabinets or closets);

(c) The areas set aside for these purposes must be readily accessible to wheelchair patients and shall be of sufficient size to accommodate equipment and permit unobstructed movement about of wheelchair patients and personnel responsible for instructing and supervising patients.

Section 8. Dietary Department. If a commercial service will be used or meals will be provided by an adjacent hospital, dietary areas and equipment shall be designed to accommodate the requirements for sanitary, efficient, and safe storage, processing, and handling, otherwise the following will be provided:

(1) Food preparation center. Provide lavatory but do not provide mirror;

(2) Food serving facilities. For patient and staff;

(3) Dishwashing and potwashing facilities. Dish and utensil washing equipment will be used that will result in sanitized serviceware and will prevent recontamination.

(4) Refrigerated storage should accommodate a three (3) day supply minimum;

(5) Dry storage should accommodate a three (3) day supply minimum;

(6) Cart cleaning facilities; only if this type of system is used;

(7) Cart storage areas; only if this type of system is used;

(8) Janitor's closet. For storage for housekeeping supplies and equipment; floor receptor or service sink;

(9) If a toilet room is built within the department it must have a two (2) door separation from food preparation area or dining areas.

Section 9. Administration Department. The following shall be included:

(1) Administrator's office. Business office and information center, admitting and medical records areas may be combined into one (1) area;

(2) Public and staff toilet rooms;

(3) Director of nurse's office. (May be omitted in facilities of less than 100 beds);

(4) Housekeeper's storage space.

Section 10. Laundry. The following shall be included:

(1) Soiled linen room;

(2) Clean linen room;

(3) Lavatory. Accessible from soiled, clean, and processing rooms;

(4) Laundry processing room, and storage for laundry

supplies; (Need not be provided if laundry is processed outside the facility);

(5) Janitor's closet. Storage for housekeeping supplies and equipment; floor receptor or service sink.

Section 11. Storage and Service Areas. The following shall be included: (1) Sufficient storage space shall be provided for general storage requirements.

(2) Engineering service and equipment areas. The following shall be provided where applicable:

(a) Boiler room;

(b) Mechanical and electrical equipment room(s). Can be combined with boiler room;

(c) Storage room for housekeeping equipment. (Need not be provided if space is available in janitor's closets or elsewhere);

(d) Refuse area. For holding trash prior to disposal. Shall be located convenient to service entrance.

Section 12. Details and Finishes. A high degree of safety for the occupants in minimizing the incidence of accidents shall be provided. Hazards such as sharp corners shall be avoided. All details and finishes shall meet the following requirements:

(1) Details:

(a) Handrails shall be provided on both sides of corridors used by patients in intermediate care facilities with a clear distance of one and one-half (1½) inches between handrail and wall.

(b) All doors to patient-room toilet rooms and patient-room bathrooms shall swing outward or shall be equipped with hardware which will permit access in any emergency.

(c) All doors opening onto corridors shall be swing-type except elevator doors. Alcoves and similar spaces which generally do not require doors are excluded from this requirement.

(d) No doors shall swing into the corridor except closet doors.

(e) Thresholds and expansion joint covers, if used, shall be flush with the floor.

(f) Grab bars and accessories in patient toilet, shower, and bathrooms shall have sufficient strength and anchorage to sustain a load of 250 pounds for five (5) minutes.

(g) Lavatories intended for use by patients shall be installed to permit wheelchairs to slide under.

(h) The location and arrangement of lavatories and sinks with blade handles intended for handwashing purposes shall provide sixteen inches clearance each side of center line of fixture. (See Section 15(4)(a).)

(i) Mirrors shall be arranged for convenient use by patients in wheelchairs as well as by patients in standing position.

(j) Towel rack or dispenser shall be provided at all lavatories and sinks used for handwashing.

(k) Ceiling heights:

1. Boiler room. Not less than two (2) feet and six (6) inches above the main boiler header and connecting piping with adequate headroom under piping for maintenance and access;

2. Corridors, storage rooms, patients' toilet room, and other minor rooms not less than seven (7) feet and six (6) inches;

3. All other rooms. Not less than eight (8) feet.

(l) Boiler room, food preparation centers, and laundries shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of eight-five (85) degrees Fahrenheit.

(m) Noise reduction criteria. The ceilings of the following areas shall be designed to reduce noise transmission:

1. Corridors in patient areas;

2. Nurses' stations;

3. Work areas, such as utility rooms;

4. Lobbies and recreation areas.

(n) Special attention shall be given to sound transmission from boiler rooms, mechanical rooms, and kitchen, to patient bedroom areas.

(2) Finishes:

(a) Floors generally shall be easily cleanable and shall have the wear resistance appropriate for the location involved. Floors in kitchen and related spaces shall be waterproof and greaseproof. In all areas where floors are subject to wetting, they shall have a nonslip finish.

(b) Adjacent dissimilar floor materials shall be flush with each other to provide an unbroken surface.

(c) Walls generally shall be washable and in the immediate area of plumbing fixtures, the finish shall be moistureproof. Wall bases in dietary areas shall be free of spaces that can harbor insects.

(d) Ceilings generally shall be washable or easily cleanable. This requirement does not apply to boiler rooms, mechanical and building equipment rooms, shops and similar spaces.

Section 13. Elevators. Elevator requirements shall conform to the current standards for elevators adopted by the Division of Labor Standards, Department of Labor.

(1) Elevators, where required. All facilities where either patient beds or inpatient facilities such as diagnostic, recreation, patient dining or therapy rooms are located on other than the first floor, shall have electric or electrohydraulic elevators as follows:

(a) Number of elevators.

1. At least one (1) hospital-type elevator shall be installed where one (1) to fifty-nine (59) patient beds are located on any floor other than the first. (For purposes of these requirements, the first floor is that floor first reached from the main front entrance);

2. At least two (2) elevators, one (1) of which shall be hospital-type, shall be installed where sixty (60) to 200 patient beds are located on floors other than the first, or where inpatient facilities are located on a floor other than those containing the patient beds;

3. At least three (3) elevators, one (1) of which shall be hospital-type, shall be installed where 201 to 350 patient beds are located on floors other than the first, or where inpatient facilities are located on a floor other than those containing the patient beds;

4. For facilities with more than 350 beds, the number of elevators shall be determined from a study of the facility plan and the estimated vertical transportation requirements.

(b) Cars and platforms. Cars of hospital-type elevators shall have inside dimensions that will accommodate a patient's bed and attendants and shall be at least five (5) feet wide by seven (7) feet and six (6) inches deep; car doors shall have a clear opening of not less than three (3) feet and eight (8) inches. Cars of all other required elevators shall have a clear opening of not less than three (3) feet.

(c) Leveling. Elevators shall have automatic leveling of the two (2) way automatic maintaining type with accuracy within plus or minus one-half (½) inch.

(2) Field Inspection and Tests. The contractor shall be required to cause inspection and tests to be made and shall deliver to the owner written certification that the installation meets the requirements set forth in this section.

Section 14. Construction. Foundations shall rest on natural solid ground if a satisfactory soil is available at reasonable depths. Proper soil bearing values shall be established in accordance with recognized standards. If solid ground is not encountered at practical depths, the structure shall be supported on driven piles or drilled piers designed to support the intended load without detrimental settlement.

Section 15. Mechanical Requirements. (1) Steam and hot water systems:

(a) Boilers. If boilers are used a minimum of two (2) must be provided; the combined capacity of the boilers, based upon the published Steel Boiler Institute or Institute of Boiler and Radiator Manufacturer's net rating, must be able to supply 150 percent of the normal requirements of all systems and equipment.

(b) Valves. Supply and return mains and risers of space heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return end.

(c) Covering. Boiler and smoke breeching, all steam supply piping and high pressure steam return piping, and hot water space heating supply and return piping shall be insulated.

(d) The design and installation of all boilers must be in accordance with current Kentucky plumbing standards regulations applicable to intermediate care facilities.

(2) Air-conditioning, heating and ventilating systems:

(a) Temperatures. A minimum temperature of seventy-two (72) degrees Fahrenheit shall be provided for occupied areas at winter design conditions.

(b) Ventilation systems details. All air-supply and air-exhaust systems shall be mechanically operated. All fans serving exhaust systems shall be located at or near the point of discharge from the building. The ventilation rates shown on Table 1 shall not be considered as precluding the use of higher ventilation rates if they are required to meet design conditions.

1. Outdoor ventilation air-intakes, other than for individual room units, shall be located as far away as practicable but not less than twenty-five (25) feet from the exhausts from any ventilating system or combustion equipment. The bottom of outdoor intakes serving central air systems shall be located as high as possible but not less than eight (8) feet above the ground level or if installed through the roof, three (3) feet above roof level.

2. The ventilation systems shall be designed and balanced to provide the general pressure relationship to adjacent areas shown in Table 1, Section 17.

3. Room supply air inlets, recirculation, and exhaust air outlets shall be located not less than three (3) inches above the floor.

4. Corridors shall not be used to supply air to or exhaust air from any room, except that exhaust air from corridors may be used to ventilate rooms such as bathrooms, toilet rooms, or janitor's closets which open directly on corridors.

5. Ducts shall be constructed of iron, steel, aluminum, or other approved metal or materials such as clay, asbestos, cement, fiberglass, etc.

6. All hoods over cooking ranges shall be equipped with fire extinguishing systems and heat-actuated fan controls. Cleanout openings shall be provided every twenty (20) feet in horizontal exhaust duct systems serving hoods.

(3) Plumbing and other piping systems. All plumbing systems shall be installed in accordance with the requirements of current Kentucky plumbing standards

regulations applicable to intermediate care facilities. (See Section 5(2).)

(a) Lavatories and sinks required in patient care areas shall have the water supply spout mounted so that its discharge point is a minimum distance of five (5) inches above the rim of the fixture. All fixtures used by medical and nursing staff, and all lavatories used by patients and food handlers shall be trimmed with valves which can be operated without the use of hands. Where blade handles are used for this purpose, they shall be of a standard length. (See Section 13(1)(j).)

(b) Clinical sinks shall have an integral trap in which the upper portion of a visible trap seal provides a water surface.

(4) Water supply system:

(a) Systems shall be designed to supply water to the fixtures and equipment on the upper floors at a minimum pressure of fifteen (15) pounds per square inch during maximum demand periods.

(b) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.

(c) Hot, cold and chilled water piping and waste piping on which condensation may occur shall be insulated. Insulation of cold and chilled water lines shall include an exterior vapor barrier.

(d) Backflow preventers (vacuum breakers) shall be installed on hose bibbs and on all fixtures to which hoses or tubing can be attached such as janitor's sinks and bedpan flushing attachments.

(e) Hot water distribution systems shall be arranged to provide hot water at each fixture at all times.

(f) Plumbing fixtures which require hot water and which are intended for patient use shall be supplied with water which is controlled to provide a maximum water temperature of 110 degrees Fahrenheit at the fixture.

(g) Piping over food preparation centers, food serving facilities, food storage areas, and other critical areas shall be kept to a minimum and shall not be exposed. Special precautions shall be taken to protect these areas from possible leakage of, or condensation from, necessary overhead piping systems.

(5) Hot water heaters and tanks.

(a) The hot water heating equipment shall have sufficient capacity to supply the water at the temperature and amounts indicated below:

	Use		
	Patient	Dietary	Laundry
Gal/hr/bed	6 ½	4	4 ½
Temp. F.	110	180	180

(b) Storage tank(s) shall be provided and shall be fabricated of corrosion-resistant metal, or have noncorrosive lining.

(6) Plumbing approval. Prior to final approval of the plans and specifications by the state licensure agency, the plumbing plans and specifications must be approved by the Division of Plumbing, Department of Housing, Buildings, and Construction

Section 16. Electrical Requirements. (1) General:

(a) All materials including equipment, conductors, controls, and signaling devices shall be installed to provide a complete electrical system with the necessary characteristics and capacity to supply the electrical facilities shown in the

specifications or indicated on the plans. All materials shall be listed as complying with applicable standards of Underwriters' Laboratories, Inc., or other similarly established standards.

(b) The contractor shall be responsible for testing all electrical installations and systems and shall show that the equipment is correctly installed and operated as planned or specified.

(c) The electrical installations must conform to local codes where they exist or to the National Electrical Code. Final approval must be obtained from the State Fire Marshal's Office, after inspection.

(2) Switchboard and power panels. Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to switchboard and distribution panelboards shall be enclosed or guarded to provide a dead-front type of assembly. The main switchboard shall be located in a separate enclosure accessible only to authorized persons. The switchboard shall be convenient for use, readily accessible for maintenance, clear of traffic lanes, and in a dry ventilated space devoid of corrosive fumes or gases. Overload protective devices shall be suitable for operating properly in the ambient temperature conditions. All breakers and switches are to be indexed.

(3) Distribution panelboards. Lighting and appliance panelboards shall be provided for the circuits on each floor. All circuits are to be indexed at panelboard. This requirement does not apply to emergency system circuits.

(4) Lighting:

(a) All spaces occupied by people, machinery, and equipment within buildings, and the approaches thereto, and parking lots shall have electric lighting.

(b) Patient's bedrooms shall have general lighting. A reading light shall be provided for each patient when appropriate. Patient's reading lights and other fixed lights not switched at the door shall have switch controls convenient for use at the luminaire.

(c) Provisions shall be made for the night lighting of corridors. (See Appendix, Section 17, Table 2 for levels of illumination for various areas.)

(5) Receptacles (convenience outlets):

(a) Bedroom. Each patient bedroom shall have duplex receptacles as follows: one (1) each side of the head of each bed (for parallel adjacent beds, only one (1) receptacle is required between the beds); receptacles for luminaires, television and motorized beds, if used, and one (1) receptacle on another wall.

(b) Corridors. [Single receptacles for equipment such as floor cleaning machines shall be installed approximately fifty (50) feet apart in all corridors.] Duplex receptacles for general use shall be installed approximately fifty (50) feet apart in all corridors and within twenty-five (25) feet of ends of corridors.

(6) Nurses' calling system. A nurses' visible signal calling station shall be installed at each patient bed and in each patient toilet, bath, and shower-room. The nurses' call in toilet, bath, or shower-rooms, shall be an emergency call. All calls shall register at the nurses' station and shall actuate a visible signal in the corridor at the patient's door, in the clean workroom, and the soiled workroom of the nursing unit.

(7) Emergency electric service:

(a) General. To provide electricity during an interruption of the normal electric supply that could affect the nursing care, treatment, or safety of the occupants, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power.

(b) Sources. The source of this emergency electric service shall be an emergency generating set, when normal service is supplied by one or more central station transmission lines.

(c) Emergency generating set. The required emergency generating set, including the prime mover and generator, shall be located on the premises and shall be reserved exclusively for supplying the emergency electrical system. The emergency generator set shall be sufficient kilowatt capacity to supply all lighting and power load demands of the emergency system. The power factor rating of the generator shall be not less than eighty (80) percent.

(d) Emergency electrical connections. Emergency electric service shall be provided to circuits as follows:

1. Lighting:

a. Exitways and all necessary ways of approach thereto, including exit signs and exit direction signs, exterior of exits, exit doorways, stairways, and corridors;

b. Dining and recreation rooms;

c. Nursing station and medication preparation area;

d. Generator set location, switch-gear location, and boiler room;

e. Elevator (if required for emergency);

2. Equipment: Essential to life safety and for protection of important or vital materials;

a. Nurses' calling system;

b. Sewage or sump lift pump, if installed;

c. All required duplex receptacles in patient corridors; and at least one (1) receptacle in each patient room;

d. Equipment such as burners and pumps necessary for operation of one (1) or more boilers and their necessary auxiliaries and controls, required for heating and sterilization;

e. Details. The emergency system shall be so controlled that after interruption of the normal electric power supply, the generator is brought to full voltage and frequency and connected within ten (10) seconds through one (1) or more primary automatic transfer switches to all emergency lighting; all alarms; nurses' call; and receptacles in patient corridors. All other lighting and equipment required to be connected to the emergency system shall either be connected through the above described primary automatic transfer switching or shall be subsequently connected through other automatic or manual transfer switching. Receptacles connected to the emergency system shall be distinctively marked for identification. Storage-battery-powered lights shall not be used as a substitute for the requirement of a generator. Where fuel is normally stored on the site, the storage capacity shall be sufficient for twenty-four (24) hour operation of required emergency electric services. Where fuel is normally piped underground to the site from a utility distribution system, storage facilities on the site will not be required.

f. Emergency heating. Where electricity is the only source of power normally used for space heating, an alternate emergency heating system for the heating of corridors will be required. Emergency heating of corridors will not be required in areas where the facility is supplied by at least two (2) utility service feeders, each supplied by separate generating sources or a network distribution system fed by two (2) or more generators, with the facility feeders so routed, connected, and protected so that a fault anywhere between the generators and the facility will not be likely to cause an interruption of more than one (1) of the intermediate care facility's service feeders. If there is written plan for the transfer of patients within a reasonable time to other facilities with which the intermediate care facility has written transfer agreements, the above alternate emergency heating system will not be required.

Section 17. Appendix Table 1—Pressure Relationships and Ventilation of Certain Intermediate Care Areas. Table 2—Lighting Levels For Intermediate Care Facilities

Table 1. Pressure Relationships and Ventilation of Certain Intermediate Care Areas

Area Designation	Pressure Relationship to Adjacent	All Supply Air From Outdoors	Minimum Air Changes of Out-door Air per Hour
Patient room	0	—	2
Patient area corridor	0	—	2
Treatment room	0	Yes	2
Physical therapy and hydrotherapy if applicable	N	—	2
Dining and recreation areas	0	—	2
Soiled workroom	N	—	2
Clean workroom	P	Yes	2
Toilet room	N	—	—
Bedpan room if applicable	N	—	—
Bathroom	N	—	—
Janitor's closet	N	—	—
Linen and trash chute rooms	N	—	—
Food preparation center	0	Yes	2
Dishwashing area	N	—	—
Dietary day storage	0	—	—
Laundry, general	0	Yes	2
Soiled linen sorting and storage	N	—	—
Clean linen storage	P	—	2

P = Positive N = Negative 0 = Equal — = Optional

Table 1. Continued

Area	Minimum Total Air Changes Per Hour	All Air Exhausted Directly to Outdoors	Recirculated Within Area
Patient room	2	—	—
Patient area corridor	4	—	—
Treatment room	6	Yes	No
Physical therapy and hydrotherapy if applicable	6	—	—
Dining and recreation areas	4	—	—
Soiled workroom	4	Yes	No
Clean workroom	4	—	—
Toilet room	10	Yes	No
Bedpan room if applicable	10	Yes	No
Bathroom	10	Yes	No
Janitor's closet	10	Yes	No
Linen and trash chute rooms	10	Yes	No
Food preparation center	10	Yes	No
Dishwashing area	10	Yes	No
Dietary day storage	2	—	No
Laundry, general	10	Yes	No
Soiled linen sorting and storage	10	Yes	No
Clean linen storage	2	—	—

P = Positive N = Negative 0 = Equal — = Optional

Table 2. Lighting Levels for Intermediate Care Facilities

Area	Footcandles *
Administrative and lobby areas, day	50
Administrative and lobby areas, night	20
Barber and beautician areas, if applicable	50
Corridors and interior ramps	20
Corridor night lighting	3
Dining area and kitchen	30
Doorways	10
Exit stairways and landings	5
Janitor's closet	15
Nurses' station, general, day	50
Nurses' station, general, night	20
Nurses' desk, for charts and records	70
Nurses' medicine cabinet	100
Patient care unit (or room), general	10
Patient care room, reading	30
Recreation area (floor level)	50
Stairways other than exits	30
Toilet and bathing facilities	30
Utility room, general	20
Utility room, work counter	50

* Minimum on task at anytime

MASON C. RUDD, Chairman

ADOPTED: April 21, 1980

RECEIVED BY LRC: May 6, 1980 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mason C. Rudd, Chairman, Kentucky Health Facilities and Health Services, Certificate of Need and Licensure Board, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
Division for Consumer Health Protection
(Proposed Amendment)

902 KAR 50:020. Grade A requirements.

RELATES TO: KRS 217C.010 to 217C.090

PURSUANT TO: KRS 13.082, 194.050, 211.990

NECESSITY AND FUNCTION: The Department for Human Resources is directed by KRS Chapter 217C to regulate the production, transportation, processing, handling, sampling, examination, grading, sale and such other matters relating to Grade A milk and milk products as may be necessary to protect the public health. This regulation establishes uniform permit requirements and sanitary standards for Grade A milk producers, processors, [and] handlers and distributors.

Section 1. Permits Required for Producers, Processors, [and] Handlers and Distributors of Grade A Milk. No person shall bring into, or receive into this state for sale, or offer for sale, or have in storage any Grade A milk or milk product, who does not possess an appropriate permit from the department; provided, that grocery stores, restaurants, soda fountains, or similar establishments where milk or milk products are served, or sold at retail, but not processed are exempt from this permit requirement but shall comply with applicable requirements of this regulation. *Distributors of Grade A milk and milk products shall hold a valid permit, and all sources of milk and milk products*

distributed shall be from an approved source according to the requirements of this regulation. Permit applications for all processors, handlers, and distributors shall list sources of milk and milk products handled. Processors shall list the name of private brand labels packaged on their permit application. [Persons selling milk or milk products under private label shall be considered a distributor and shall obtain a permit as required herein.] Only a person who complies with the requirements of this regulation shall be entitled to such a permit. Permits shall not be transferable with respect to persons or locations.

Section 2. Inspection of Dairy Farms and Milk Plants, Receiving Stations, [and] Transfer Stations. (1) Each dairy farm, milk plant, receiving station and transfer station within this state shall be inspected by the department [or local health department having jurisdiction] prior to the issuance of a permit. Following the issuance of a permit, each dairy farm and transfer station shall be inspected at least once every six (6) months and each milk plant and receiving station shall be inspected at least once every three (3) months. Should the violation of any requirement set forth in Sections 5 or 6 be found to exist, a second inspection shall be required after the time deemed necessary to remedy the violation, but not before three (3) days. The reinspection shall be used to determine compliance with the requirements of Sections 5 or 6. Any violation of the same requirement of Sections 5 or 6 on such reinspection shall call for permit suspension in accordance with Section 14. One (1) copy of the inspection report shall be handed to the operator, or other responsible person or be posted in a conspicuous place on an inside wall of the establishment. The inspection report shall not be defaced and shall be made available to the department [or local health department having jurisdiction] upon request. An identical copy of the inspection report shall be filed with the records of the department [or local health department having jurisdiction].

(2) Every milk producer, hauler, distributor, or plant operator shall, upon request of the department [or local health department having jurisdiction], permit access of officially designated persons to all parts of this establishment or facilities to determine compliance with the provisions of this regulation. A distributor or plant operator shall furnish the department [or local health department having jurisdiction], upon request, for official use only, a true statement of the actual quantities of milk and milk products of each grade purchased and sold, and a list of all sources of such milk and milk products, records of inspections, tests and pasteurization time and temperature records.

(3) No person in an official capacity shall obtain any information under the provisions of this regulation which is entitled to protection as a trade secret and use such information for personal advantage or reveal it to any unauthorized person.

Section 3. Examination and Analysis of Milk and Milk Products. (1) During any consecutive six (6) months, at least four (4) samples of raw milk for pasteurization shall be taken from each producer and four (4) samples of raw milk for pasteurization shall be taken from each milk plant after receipt of the milk by the milk plant and prior to pasteurization. In addition, during any consecutive six (6) months, at least four (4) samples of each milk product shall be taken from every milk plant. Samples of milk and milk

products shall be taken while in possession of the producer or distributor at any time prior to final delivery. Samples of milk and milk products from dairy retail stores, food service establishments, grocery stores, and other places where milk and milk products are sold may [shall] be examined periodically as determined by the department [or local health department having jurisdiction]. Proprietors of such establishments shall furnish the department [or local health department having jurisdiction], upon his request, with the names of all distributors from whom milk or milk products are obtained.

(2) Required bacterial counts, somatic cell counts and cooling temperature checks shall be performed on raw milk for pasteurization. In addition, antibiotic tests on each producer's milk or on commingled raw milk shall be conducted at least four (4) times during any consecutive six (6) months. When commingled milk is tested, all producers shall be represented in the sample. All individual sources of milk shall be tested when test results on the commingled milk are positive. Required bacterial counts, *antibiotic tests*, coliform determinations, phosphatase and cooling temperature checks shall be performed on pasteurized milk and milk products.

(3) Whenever two (2) of the last four (4) consecutive bacteria counts, confirmatory somatic cell counts, coliform determinations, or cooling temperatures, taken on separate days, exceed the limit of the standard for the milk or milk product, the department [or local health department having jurisdiction] shall send a written notice thereof to the person concerned. This notice shall be in effect so long as two (2) of the last four (4) consecutive samples exceed the limit of the standard. An additional sample shall be taken within *twenty-one (21)* [fourteen (14)] days of the sending of such notice, but not before the lapse of three (3) days. Immediate suspension of permit in accordance with Section 14 shall be instituted whenever the standard is violated by three (3) of the last five (5) bacteria counts, confirmatory somatic cell counts, coliform determinations, or cooling temperatures.

(4) Whenever a phosphatase test is positive, the cause shall be determined. Where the cause is improper pasteurization, it shall be corrected, and any milk or milk product involved shall not be offered for sale.

(5) *Whenever an antibiotic or pesticide residue test is positive, the cause shall be corrected. An additional sample shall be collected and analyzed and no milk or milk product shall be offered for sale until it is shown to be free of antibiotic or pesticide residues or below the actionable levels established for such residues.*

(6) [(5)] Samples shall be analyzed at an official or appropriate officially designated laboratory. All sampling procedures and required laboratory examinations shall be in substantial compliance with the current edition of "Standard Methods for the Examination of Dairy Products" of the American Public Health Association, and the current edition of "Official Methods of Analysis of the Association of Official Agricultural Chemists." Such procedures and examinations shall be evaluated in accordance with the methods of evaluating milk laboratories recommended by the United States Public Health Service, *Food and Drug Administration*. Examinations and tests shall be conducted to detect adulterants, including pesticides, as the department [or local health department having jurisdiction] shall require. Assays of milk or milk products *to which vitamins A and/or D have been added* [for vitamin addition] shall be made at the direction of the department in a laboratory acceptable to the department [or local health department having jurisdiction].

Section 4. (1) Chemical, Bacteriological and Temperature Standards for Grade A Milk and Milk Products. All Grade A raw milk for pasteurization and all Grade A pasteurized milk and milk products shall be produced, processed, and pasteurized to conform with the following chemical, bacteriological, [and] temperature standards and sanitation requirements of this regulation and where applicable the administrative procedures of the 1978 [1965] "Pasteurized Milk Ordinance" recommended by the United States Public Health Service, *Food and Drug Administration*. No process or manipulation other than pasteurization, processing methods integral therewith, and appropriate refrigeration shall be applied to milk and milk products for the purpose of removing or deactivating micro-organisms, *provided, that in the bulk shipment of raw cream, skim milk, or lowfat milk, the heating of the raw milk to temperatures no greater than 125 degrees Fahrenheit (fifty-two (52) degrees Celsius) for separation purposes is permitted when the resulting bulk shipments of cream, skim milk, and lowfat milk are labeled heat-treated.* ["3-A" sanitary standards for equipment are required if available and applicable.]

(2) Chemical, bacteriological, and temperature standards:

(a) Grade A raw milk for pasteurization: Raw milk shall be cooled to forty-five (45) degrees Fahrenheit (seven (7) degrees Celsius) or less within two (2) hours after milking, *provided that the blend temperature after the first and subsequent milkings does not exceed fifty (50) degrees Fahrenheit (ten (10) degrees Celsius).* Bacterial limits for individual producer milk shall not exceed 100,000 per ml. prior to commingling with other producer milk and shall not exceed 300,000 per ml. as commingled milk prior to pasteurization. Individual producer milk or commingled milk shall have no detectable zone for antibiotics with the *bacillus stearothermophilus* disc assay method or the *sarcina lutea* cylinder plate method or equivalent. Individual producer milk shall not exceed 1,500,000 per ml. somatic cell count.

(b) Grade A pasteurized milk and milk products: Pasteurized milk and milk products shall be cooled to forty-five (45) degrees Fahrenheit (seven (7) degrees Celsius) or less and maintained thereat. Bacterial limits shall not exceed 20,000 per ml. (not applicable to cultured products). Coliform limits shall not exceed ten (10) per ml., *provided that, in the case of bulk milk transport tank shipments, shall not exceed 100 per ml.* The phosphatase test shall be less than one (1) microgram per ml. by the *scharer rapid method* or equivalent. No antibiotics shall be detectable with the *bacillus stearothermophilus* disc assay method or the *sarcina lutea* cylinder plate method or equivalent.

[Standards:]

[(a) Grade A raw milk for pasteurization: Temperature; Cooled to fifty (50) degrees Fahrenheit or less and maintained thereat until processed. Bacterial Limits; Individual producer milk not to exceed 100,000 per ml. prior to commingling with other producer milk. Not exceeding 300,000 per ml. as commingled milk prior to pasteurization. Antibiotics; No detectable antibiotic residue. Somatic Cells; Not exceeding 1,500,000 per ml.]

[(b) Grade A pasteurized milk and milk products (except cultured products): Temperature; Cooled to forty-five (45) degrees Fahrenheit or less and maintained thereat. Bacterial Limits; Milk and milk products—20,000 per ml. Coliform Limit; Not exceeding 10 per ml. Phosphatase; Less than lug per ml., by *Scharer Rapid Method* (or equivalent by other means).]

(c) Grade A pasteurized cultured products: Temperature; Same as subsection (b). Coliform Limit; Same as subsection (b). Phosphatase; Same as subsection (b). Bacterial Limits; Exempt.

Section 5. Sanitation Requirements for Grade A Raw Milk for Pasteurization. (1) Abnormal milk. Cows which show evidence of the secretion of abnormal milk in one (1) or more quarters based upon bacteriological, chemical, or physical examination, shall be milked last or with separate equipment, and the milk shall be discarded. Cows treated with, or cows which have consumed chemical, medicinal or radioactive agents which are capable of being secreted in the milk or which, in the judgment of the department [or local health department having jurisdiction], may be deleterious to human health, shall be milked last or with separate equipment, and the milk disposed of as the department [or local health department having jurisdiction], may direct.

(2) Milking barn, stable or parlor; construction. A milking barn, stable or parlor shall be provided on all dairy farms in which the milking herd shall be housed during milking time operations. The areas used for milking purposes shall have floors constructed of concrete or equally impervious material; have walls and ceilings which are smooth, painted or finished in an approved manner, in good repair, ceiling dust tight; have separate stalls or pens for horses, calves and bulls; be provided with natural or artificial light, well distributed for day or night milking; provide sufficient airspace and air circulation to prevent condensation and excessive odors; not be overcrowded; and have dust tight covered boxes or bins, or separate storage facilities for ground, chopped or concentrated feed.

(3) Milking barn, stable or parlor; cleanliness. The interior shall be kept clean. Floors, walls, windows, pipelines and equipment shall be free of filth and litter and shall be kept clean. Swine and fowl shall be kept out of the milking barn.

(4) Cowyard. The cowyard shall be graded and drained and shall have no standing pools of water or accumulations of organic wastes; *provided, that in loafing or cattle-housing areas, cow droppings and soiled bedding shall be removed, or clean bedding added, at sufficiently frequent intervals to prevent the soiling of the cow's udder and flanks.* Waste feed shall not be allowed to accumulate. Manure packs shall be properly drained and shall provide a reasonably firm footing. Swine shall be kept out of the cowyard.

(5) Milkhouse or room; construction and facilities:

(a) A milkhouse or room of sufficient size shall be provided, in which the cooling, handling and storing of milk and the washing, sanitizing, and storing of milk containers and utensils shall be conducted.

(b) The milkhouse shall be provided with a smooth floor constructed of concrete or equally impervious material graded to drain and maintained in good repair. Liquid waste shall be disposed of in a sanitary manner; all floor drains shall be accessible and shall be trapped if connected to a sanitary sewer system.

(c) The walls and ceilings shall be constructed of smooth material, in good repair, well painted, or finished in an equally suitable manner.

(d) The milkhouse shall have adequate natural or artificial light and be well ventilated.

(e) The milkhouse shall be used for no other purpose than milkhouse operations; there shall be no direct opening into any barn, stable or into a room used for domestic purposes; *provided, that a direct opening between the*

milkhouse and milking barn, stable or parlor is permitted when a tight-fitting self-closing solid door(s) hinged to be single or double acting is provided.

(f) Water under pressure shall be piped into the milkhouse.

(g) The milkhouse shall be equipped with a two (2) compartment wash vat and adequate hot water heating facilities.

(h) When a transportation tank is used for the cooling and storage of milk on the dairy farm, such tank shall be provided with a suitable shelter for the receipt of milk. Such shelter shall be adjacent to, but not a part of, the milkroom and shall comply with the requirements of the milkroom with respect to construction, light, drainage, insect and rodent control and general maintenance.

(6) Milkhouse or room; cleanliness. The floors, walls, ceilings, windows, tables, shelves, cabinets, wash vats, non-product contact surfaces of milk containers, utensils and equipment and other milkroom equipment shall be clean. Only articles directly related to milkroom activities shall be permitted in the milkroom. The milkroom shall be free of trash, animals and fowl.

(7) Toilet. Every dairy farm shall be provided with one (1) or more toilets, conveniently located and properly constructed, operated and maintained in a sanitary manner. The waste shall be inaccessible to flies and shall not pollute the soil surface or contaminate any water supply.

(8) Water supply. Water for milkhouse and milking operations shall be from a supply properly located, protected and operated, and shall be easily accessible, adequate and of a safe, sanitary quality.

(9) Utensils and equipment; construction. All multi-use containers, equipment and utensils used in the handling, storage or transportation of milk shall be made of smooth, nonabsorbent, corrosion-resistant, nontoxic materials, and shall be so constructed as to be easily cleaned. All containers, utensils and equipment shall be in good repair. All milk pails used for hand milking and stripping shall be seamless and of the hooded type. Multiple-use woven material shall not be used for straining milk. All single-service articles shall have been manufactured, packaged, transported, stored and handled in a sanitary manner and shall comply with the applicable requirements of Section 6(11). Single-service articles shall not be reused. Farm holding or cooling tanks, welded sanitary piping and transportation tanks shall comply with the applicable requirements of Section 6(10) and (11). All equipment shall meet "3-A Sanitary Standards" if available and applicable.

(10) Utensils and equipment; cleaning. The product-contact surfaces of all multi-use containers, equipment and utensils used in the handling, storage or transportation of milk shall be cleaned after each usage.

(11) Utensils and equipment; sanitization. The product-contact surfaces of all multi-use containers, equipment and utensils used in the handling, storage or transportation of milk shall be sanitized before each usage.

(12) Utensils and equipment; storage. All containers, utensils, and equipment used in the handling, storage or transportation of milk, unless stored in sanitizing solutions, shall be stored to assure complete drainage, and shall be protected from contamination prior to use; *provided, that milk pipelines and pipeline milking equipment, such as milker claws, inflations, weigh jars, meters, milk hoses, milk receivers, and milk pumps which are designed for mechanical cleaning may be stored in the milking barn or parlor provided this equipment is designed, installed and operated to protect the product and solution contact surfaces from contamination.*

(13) Utensils and equipment; handling. After sanitization, all containers, utensils and equipment shall be handled in such manner as to prevent contamination of any product-contact surface.

(14) Milking; flanks, udders and teats. Milking shall be done in the milking barn, stable, or parlor. The flanks, udders, bellies and tails of all milking cows shall be free from visible dirt. All brushing shall be completed prior to milking. The udders and teats of all milking cows shall be cleaned and treated with a sanitizing solution just prior to the time of milking, and shall be relatively dry before milking. Wet hand milking is prohibited.

(15) Milking; surcingles, milk stools and antikickers. Surcingles, milk stools and antikickers shall be kept clean and stored above the floor.

(16) Milking; transfer and protection of milk. *Milking and milkhouse operations, equipment, and facilities shall be located and conducted to prevent any contamination of milk, equipment, containers and utensils. [Each pail or container of milk shall be transferred immediately from the milking barn, stable or parlor to the milkhouse.] No milk shall be strained, poured, transferred or stored unless it is properly protected from contamination.*

(17) Personnel; hand-washing facilities. There shall be provided adequate hand-washing facilities, including a *laboratory fixture*, running water, soap or detergent, and individual sanitary towels, *convenient to [in] the milkhouse, [and in or convenient to the] milking barn, stable, [or] parlor, and flush toilet; provided that milkhouses in existence prior to the effective date of this regulation are not required to meet the requirements for a laboratory fixture.*

(18) Personnel; cleanliness. Hands shall be washed clean and dried with an individual sanitary towel immediately before milking, before performing any milkhouse function, and immediately after the interruption of any of these activities. Milkers and milk haulers shall wear clean outer garments while milking or handling milk, milk containers, utensils, or equipment.

(19) Cooling. Raw milk for pasteurization shall be cooled to *forty-five (45) [fifty (50)] degrees Fahrenheit or less within two (2) hours after milking; provided, that the blend temperature after the first milking and subsequent milkings does not exceed fifty (50) degrees Fahrenheit until delivered* [and prior to commingling with other producer milk and shall be maintained at that temperature or less until delivered].

(20) Vehicles. Vehicles used to transport milk in cans or bulk from the dairy farm to the milk plant or receiving station shall be constructed and operated to protect their contents from sun, freezing, and contamination. Such vehicles shall be kept clean, inside and out and no substance capable of contaminating milk shall be transported with milk.

(21) Insect and rodent control. Effective measures shall be taken to prevent the contamination of milk, containers, equipment, and utensils by insects and rodents, and by chemicals used to control such vermin. Milkrooms shall be free of insects and rodents. Surroundings shall be kept neat, clean and free of conditions which might harbor or be conducive to the breeding of insects and rodents.

Section 6. Sanitation Requirements for Grade A Pasteurized Milk and Milk Products. A receiving station shall comply with subsections (1) to (15), inclusive, and (17), (20), and (22), of this section except that the partitioning requirement of subsection (5) shall not apply. A transfer station shall comply with subsections (1), (4), (6), (7), (8), (9), (10), (11), (12), (14), (15), (20), and (22) of this

section; and as climatic and operating conditions require, the applicable provisions of subsections (2) and (3) of this section; provided, that in every case, overhead protection shall be required. Facilities for the cleaning and sanitizing of bulk transport tanks shall comply with subsections (1), (4), (6), (7), (8), (9), (10), (11), (12), (14), (15), (20), and (22) of this section; and as climatic and operating conditions require, the applicable provisions of subsections (2) and (3) of this section; provided, that in every case, overhead protection shall be required.

(1) Floors; construction. The floors of all rooms in which milk or milk products are processed, handled, or stored, or in which milk containers, equipment, and utensils are washed, shall be constructed of concrete or other equally impervious and easily cleaned material. They shall be smooth, properly sloped, provided with trapped drains and kept in good repair; provided, that cold-storage rooms used for storing milk and milk products need not be provided with floor drains when the floors are sloped to drain to one (1) or more exits; provided further, that storage rooms for storing dry ingredients or packaging materials need not be provided with drains and the floors may be constructed of tightly joined wood.

(2) Walls and ceilings; construction. Walls and ceilings of rooms in which milk or milk products are handled, processed or stored, or in which milk containers, utensils, and equipment are washed, shall have a smooth, washable, light-colored surface in good repair.

(3) Doors and windows. Effective means shall be provided to prevent the access of flies and rodents. All openings to the outside shall have solid doors or glazed windows which shall be closed during dusty weather.

(4) Lighting and ventilation. All rooms in which milk and milk products are handled, processed or stored or in which milk containers, equipment and utensils are washed shall be well lighted and well ventilated.

(5) Separate rooms. There shall be separate rooms for pasteurizing, processing, cooling and packaging; and for cleaning of milk cans and bottles. In addition, plants receiving milk in bulk transport tanks shall provide for cleaning and sanitizing facilities. *Rooms in which milk or milk products are handled, processed or stored, or in which milk containers, utensils and equipment are washed or stored shall not open directly into any stable or room for domestic purposes. All rooms shall be of sufficient size for their intended purposes.*

(6) Toilet-sewage disposal facilities. Every milk plant shall be provided with toilet facilities. Toilet rooms shall not open directly into any room in which milk or milk products are processed. Toilet rooms shall be completely enclosed and shall have tight-fitting, self-closing doors. Dressing rooms, toilet rooms and fixtures shall be kept in a clean condition, in good repair and shall be well ventilated and well lighted. Sewage and other liquid wastes shall be disposed of in a sanitary manner approved by the department.

(7) Water supply. Water for milk plant purposes shall be from a supply properly located, protected and operated, and shall be easily accessible, adequate and of a safe, sanitary quality approved by the department.

(8) Hand-washing facilities. Convenient hand-washing facilities shall be provided, including hot and cold or warm running water, soap, and individual sanitary towels or other approved hand-drying devices. Hand-washing facilities shall be kept in a clean condition and in good repair.

(9) Milk plant cleanliness. All rooms in which milk and milk products are handled, processed, stored, or in which containers, utensils, or equipment are washed or stored,

shall be kept clean, neat and free of evidence of insects and rodents. [Pesticides shall be safely used.] Only equipment directly related to processing operations or to the handling of containers, utensils and equipment, shall be permitted in the pasteurizing, processing, cooling, packaging and bulk milk storage rooms.

(10) Sanitary piping. All sanitary piping, fittings and connections which are exposed to milk and milk products, or from which liquids may drip, drain, or be drawn into milk or milk products, shall consist of smooth, impervious, corrosion-resistant, nontoxic, easily cleanable material. All piping shall be in good repair. Pasteurized milk and milk products shall be conducted from one (1) piece of equipment to another only through sanitary piping.

(11) Construction and repair of containers and equipment. All multi-use containers and equipment with which milk or milk products come into contact shall be of smooth, impervious, corrosion-resistant, nontoxic material; shall be constructed for ease of cleaning; and shall be kept in good repair. All single-service containers, closures, gaskets, and other articles with which milk or milk products come in contact shall be nontoxic, and shall have been manufactured, packaged, transported, and handled in a sanitary manner. Articles intended for single-service use shall not be reused. All equipment shall meet "3-A Sanitary Standards" if such standards are available.

(12) Cleaning and sanitizing of containers and equipment. The product-contact surfaces of all multi-use containers, utensils, and equipment used in the transportation, processing, handling, and storage of milk and milk products shall be effectively cleaned and shall be sanitized before each use.

(13) Storage of cleaned containers and equipment. After cleaning, all multi-use milk or milk product containers, utensils, and equipment shall be transported and stored to assure complete drainage, and shall be protected from contamination before use.

(14) Storage of single-service containers, utensils and materials. Single-service caps, cap stock, parchment paper, containers, gaskets, and other single-service articles for use in contact with milk and milk products shall be purchased and stored in sanitary tubes, wrappings, or cartons; shall be kept therein in a clean, dry place until used; and shall be handled in a sanitary manner.

(15) Protection from contamination. Milk plant operations, equipment and facilities shall be located and conducted to prevent any contamination of milk or milk products, ingredients, equipment, containers, and utensils. All milk or milk products or ingredients which have been spilled, overflowed, or leaked shall be discarded. The processing or handling of products other than milk and milk products in the pasteurization plant shall be performed to preclude the contamination of such milk and milk products. *The storage handling, and use of poisonous or toxic materials shall be performed to preclude the contamination of milk and milk products or ingredients of such milk and milk products or the product contact surfaces of all equipment, containers, or utensils.*

(16) Pasteurization. Pasteurization shall be performed as defined in Section 1, Definition S, of the 1978 "Pasteurized Milk Ordinance," recommended by the U.S. Public Health Service, Food and Drug Administration [by the department relating to milk and milk products.]

(17) Cooling of milk. All raw milk and milk products shall be maintained at forty-five (45) [fifty (50)] degrees Fahrenheit or less until processed. All pasteurized milk and milk products, except those to be cultured, shall be cooled immediately in approved equipment to a temperature of

forty-five (45) degrees Fahrenheit or less. All pasteurized milk and milk products shall be stored at a temperature of forty-five (45) degrees Fahrenheit or less [and shall be maintained thereat]. *On delivery vehicles, the temperature of milk and milk products shall not exceed fifty (50) degrees Fahrenheit.* Every room or tank in which milk or milk products are stored shall be equipped with an accurate thermometer.

(18) Bottling and packaging. Bottling and packaging of milk and milk products shall be done at the place of pasteurization in approved mechanical equipment.

(19) Capping. Capping or closing of milk and milk product containers shall be done in a sanitary manner by approved mechanical capping or closing equipment. The cap or closure shall protect the pouring lip to at least its largest diameter and, *with regard to fluid milk product containers, removal cannot be made without detection.*

(20) Personnel; cleanliness. Hands shall be thoroughly washed before commencing plant functions and as often as may be required to remove soil and contamination. No employee shall resume work after visiting the toilet room without thoroughly washing his hands. All persons engaged in the processing, pasteurization, handling, storage, or transportation of milk, milk products, containers, equipment and utensils shall wear clean outer garments. The use of tobacco by any person while engaged in the processing of milk or milk products is prohibited. *All persons, while engaged in the processing of milk or milk products, shall wear adequate hair coverings.*

(21) Vehicles. All vehicles used for transportation of pasteurized milk and milk products shall be constructed and operated so that the milk and milk products are maintained at *forty-five (45) [fifty (50)] degrees Fahrenheit or less*, and are protected from sun, from freezing and from contamination.

(22) Surroundings. Milk plant surroundings shall be kept clean, neat and free from conditions which might attract or harbor flies, other insects and rodents, or which otherwise constitute a nuisance.

Section 7. Animal Health. (1) Tuberculosis. All milk for pasteurization shall be from herds which are located in a modified accredited tuberculosis area as determined by the United States Department of Agriculture; provided, that herds located in an area that fails to maintain such accredited status shall have been accredited by said department as tuberculosis free, or shall have passed an annual tuberculosis test.

(2) Brucellosis. All milk for pasteurization shall be from herds participating in a brucellosis eradication program which meets one (1) of the following conditions:

(a) Located in a certified brucellosis-free area as defined by the United States Department of Agriculture and enrolled in the testing program for such areas; or

(b) Located in a modified certified brucellosis area as defined by the United States Department of Agriculture and enrolled in the testing program for such areas; or

(c) Meets United States Department of Agriculture requirements for an individually certified herd; or

(d) Participates in a milk ring testing program which is conducted on a continuing basis at intervals of not less than every three (3) months or more than every six (6) months with individual blood tests on all animals in herds showing suspicious reactions to the milk ring test; or

(e) Have an individual blood agglutination test annually with an allowable maximum grace period not exceeding two (2) months.

(3) Other diseases. For diseases other than brucellosis

and tuberculosis, the department shall require such physical, chemical or bacteriological test as it deems necessary. The diagnosis of other diseases in dairy cattle shall be based upon the findings of a licensed veterinarian or a veterinarian in the employ of an official agency. Any diseased animal disclosed by such test(s) shall be disposed of as the department [or local health department] directs.

Section 8. Sale of Grade A Pasteurized Milk and Milk Products to Final Consumer. Only Grade A pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments; provided, that in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the department [or local health department having jurisdiction], in which case, such milk and milk products shall be labeled "ungraded."

Section 9. Serving Containers, Transfer and Cooling for Grade A Milk. (1) Except as permitted in this section, no milk producer or distributor shall transfer milk or milk products from one (1) container or tank truck to another on the street, in any vehicle, store or in any place except a milk plant, receiving station, transfer station or milkhouse especially provided for that purpose. The dipping or lading of milk or milk products is prohibited.

(2) No person shall sell or serve any milk or milk product except in the individual, original container received from the distributor or from an approved bulk dispenser; provided, that this requirement shall not apply to milk for mixed drinks requiring less than one-half ($\frac{1}{2}$) pint of milk, or to cream, whipped cream, or half-and-half which is consumed on the premises and which may be served from the original container of not more than one-half ($\frac{1}{2}$) gallon capacity, or from a bulk dispenser approved for such service by the department.

(3) No person shall sell or serve any pasteurized milk or milk product which has not been maintained at a temperature of forty-five (45) degrees Fahrenheit or less. If containers of pasteurized milk or milk products are stored in ice, the storage container shall be properly drained.

Section 10. Sale of Imported Grade A Milk and Milk Products. Milk and milk products imported from points beyond the limits of routine inspection of this state may be sold in this state provided they are produced or pasteurized under regulations which are substantially equivalent to this regulation and that have been awarded an acceptable milk sanitation compliance and enforcement rating by a state milk sanitation rating officer certified by the United States Public Health Service, Food and Drug Administration; and provided further, that such governmental unit accepts Kentucky's Grade A milk and milk products on a reciprocal basis.

Section 11. Future Dairy Farms and Milk Plants. Properly prepared plans for all milkhouses, milking barns, stables, parlors, transfer stations, receiving stations, and milk plants regulated under this regulation which are hereafter constructed, reconstructed, or extensively altered, shall be submitted to the department [or local health department having jurisdiction] for written approval before work is begun.

Section 12. Personnel Health. No person affected with any disease in a communicable form, or while a carrier of such disease, shall work at any dairy farm or milk plant in any capacity which brings him into contact with the pro-

duction, handling, storage or transportation of milk, milk products, containers, equipment and utensils; and no dairy farm or milk plant operator shall employ in any such capacity any such person, or any person suspected of having any disease in a communicable form, or of being a carrier of such disease. Any producer or distributor of milk or milk products, upon whose dairy farm, or in whose milk plant any communicable disease occurs, or who suspects that any employee has contracted any disease in a communicable form, or has become a carrier of such disease, shall notify the department immediately.

Section 13. Procedure When Infection Is Suspected. When reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of milk or milk products, the department [or local health department having jurisdiction] is authorized to require any or all of the following measures: the immediate exclusion of that person from milk handling; the immediate exclusion of the milk supply concerned from distribution and use; and adequate medical and bacteriological examination of the person, associates and their body discharges.

Section 14. Grade A Milk Producer, Processor or Handler Permit Suspension and Reinstatement. (1) Whenever the department [or local health department having jurisdiction] has reason to believe that a public health hazard exists, or whenever the permit holder has interfered with the department [or local health department concerned] in the performance of its [their] duties, the permit may be suspended immediately upon notice to the permit holder without a hearing. In such event the permit holder may request a hearing which shall be granted as soon as practicable.

(2) In all other instances of violation of the provisions of this regulation, the department [or local health department having jurisdiction] shall serve upon the holder of the permit a written notice of intent to suspend which shall specify the violation(s) in question and afford the holder a reasonable opportunity to correct same.

(3) Upon written application of any person whose permit has been suspended, or upon application within forty-eight (48) hours of any person who has been served with a notice of intention to suspend and in the latter case before suspension, the department [or local health department, having jurisdiction,] shall within a reasonable time proceed to a hearing to ascertain the facts of such violation or interference and upon evidence presented at such hearing shall affirm, modify or rescind the suspension or intention to suspend. Any permit suspended under the provisions of this regulation may be reinstated by submission of proper evidence satisfactory to the department [or local health department having jurisdiction] that the violations have been corrected.

W. GRADY STUMBO, Secretary

ADOPTED: March 3, 1980

RECEIVED BY LRC: May 15, 1980 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, Department for Human Resources, 275 East Main Street, Frankfort, Kentucky 406021.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
(Proposed Amendment)

904 KAR 1:027. Payment for dental services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the department for dental services.

Section 1. Out-of-Hospital Care: (1) The department shall reimburse participating dentists for covered services rendered to eligible medical assistance recipients at rates based on the dentist's usual customary, reasonable, and prevailing charges.

(2) **Definitions:** For purpose of determination of payment:

(a) "Usual and customary charge" refers to the uniform amount which the individual dentist charges in the majority of cases for a specific dental procedure or service.

(b) "Prevailing charge" refers to those charges which fall within the range of charges as computed by the use of a pre-determined and established statistical percentile. Prevailing charges for each dental procedure are derived from the overall pattern existing within each medical service area.

(3) **Method and source of information on charges:**

(a) Effective with fee revisions December 1, 1974 and after, individual fee profiles for participating dentists will be generated from historical data accumulated from charges submitted and processed by the Medical Assistance Program during all of the calendar year preceding the start of the fiscal year in which the determination is made.

(b) Effective with revisions December 1, 1974 and after, Title XIX prevailing fee maximums will be generated from the same historical data as referenced in paragraph (a) above.

(c) Effective with revisions December 1, 1974 and after, when applicable, Title XVIII, Part B current reasonable charge profiles and current prevailing charge data will be utilized by the Medical Assistance Program, to comply with 42 CFR 447.341 [Federal Regulations, 45 CFR section 250.30].

(d) **Percentile.** The Title XIX prevailing charges were established by utilizing the statistical computation of the 75th percentile.

(4) **Maximum reimbursement for covered procedures:** Reimbursement for covered procedures shall be limited to the lowest of the following:

(a) The actual charge for services rendered as submitted on the billing statement.

(b) The dentist's median charge for a given service derived from claims processed during all of the calendar year preceding the start of the fiscal year in which the determination is made.

(c) The Title XIX prevailing fee maximum for a given service, derived from claims processed as described in paragraph (b) above.

(d) The dentist's reasonable charge recognized under Part B, Title XVIII when applicable.

Section 2. Hospital In-patient Care. (1) Hospitalized in-patient care refers to those services provided in-patients. It does not include dental services provided in the outpatient, extended care or home health units of hospitals. All fees for "hospitalized in-patient care" are on a per admission basis, i.e., any dentist or oral surgeon submitting a claim for a payment of either of the two (2) benefits under hospitalized in-patient care must agree to accept that single program benefit payment for all his professional services rendered to that patient during that admission.

(2) An oral surgeon submitting a claim for payment shall be paid for all in-hospital dental services as an "attendance fee" or "consultation fee." The "attendance fee" shall be fifty dollars (\$50) and the "consultation fee" shall be twenty-five dollars (\$25).

(3) A general dentist may submit a claim for hospital in-patient services only for multiple extractions for the patient termed "medically a high risk." Medically high risk is defined as a patient in one (1) of the following classifications:

- (a) Heart disease;
- (b) Respiratory disease;
- (c) Chronic bleeder;
- (d) Uncontrollable patient (retardate, emotionally disturbed); or
- (e) Other (car accident, high temperature, massive infection, etc.).

(4) A general dentist shall receive "attendance fee" or "consultation fee" for the hospital in-patient service in the amount of forty dollars (\$40) as "attendance fee" and twenty dollars (\$20) as "consultation fee."

(5) "Attendance fee" is considered to be full payment for daily attendance of a hospital in-patient, per admission, regardless of length of stay, diagnosis, or type of professional service rendered. This fee is to be requested by the attending dentist or oral surgeon for any given admission.

(6) "Consultation fee" is considered to be in full payment of consultation provided on behalf of a hospital in-patient or at the request of the consulting physician/oral surgeon/dentist. This fee may be paid to more than one (1) physician/oral surgeon/dentist per admission. The fee is thus considered full payment for all consultation provided by a given physician/oral surgeon/dentist (other than the attending oral surgeon/dentist) during a given admission. For purpose of payment in this program the administration of anesthesia by a physician/oral surgeon will be considered consultation.

Section 3. Dentures. Effective July 1, 1979, the maximum program payment for complete upper and lower dentures is \$250.

W. GRADY STUMBO, Secretary

ADOPTED: May 12, 1980

RECEIVED BY LRC: May 13, 1980 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, DHR Building, 275
East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance (Proposed Amendment)

904 KAR 1:038. Hearing and vision services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to the hearing services and vision care services for which payment shall be made by the medical assistance program in behalf of both categorically needy and medically needy [children under age twenty-one (21)].

Section 1. Hearing Services: (1) Audiological benefits: Coverage shall be limited to the following services provided to *children under age twenty-one (21)* by certified audiologists:

- (a) Complete hearing evaluation;
- (b) Hearing aid evaluation;
- (c) A maximum of three (3) follow-up visits within the six (6) month period immediately following fitting of a hearing aid, such visits to be related to the proper fit and adjustment of that hearing aid;
- (d) One (1) follow-up visit six (6) months following fitting of a hearing aid, to assure patient's successful use of the aid.

(2) Hearing aid benefits: Coverage shall be provided to *children under age twenty-one (21)* on a pre-authorized basis for any hearing aid model recommended by a certified audiologist so long as that model is available through a participating hearing aid dealer.

Section 2. Vision Care Services: Coverage for all age groups shall be limited to [diagnostic services,] prescription services, [and] services to frames and lenses, and *diagnostic services provided by ophthalmologists and optometrists, to the extent the optometrist is licensed to perform the services and to the extent the services are covered in the ophthalmologist portion of the physician's program.* [All eyeglasses other than those prescribed for amblyopic or post-surgical patients, and certain replacement of frames and lenses, shall be pre-authorized by the Division for Medical Assistance.] *Eyeglasses are provided only to children under age twenty-one (21).*

Section 3. If the funds allocated in the budget for eye examinations, prescriptions (for glasses), and other services are exhausted for the over age twenty-one (21) group, vision care services provided by ophthalmologists and optometrists will be terminated for that age group; this limitation shall not be interpreted to limit treatment of diseases of the eye by ophthalmologists. Vision care services for the over age twenty-one (21) group if terminated, shall be reinstituted at such time as funds again become available.

Section 4. The provisions of this regulation, as amended, shall become effective July 1, 1980.

WILLIAM L. HUFFMAN, Commissioner

ADOPTED: May 5, 1980

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: May 15, 1980 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, DHR Building, 275
East Main Street, Frankfort, Kentucky 406021.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
(Proposed Amendment)

904 KAR 2:045. Conditions under which adverse action is taken.

RELATES TO: KRS 205.200(2), 205.245

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer public assistance programs under Title IV-A and XIX of the Social Security Act, namely Aid to Families with Dependent Children, hereinafter referred to as AFDC, and Medical Assistance, hereinafter referred to as MA. In addition, the department has responsibility to provide supplementation to certain aged, blind and disabled individuals as required by Title XVI, as amended and by KRS 205.245, 45 CFR section 205.10(a)(4) and 45 CFR section 206.10(a)(4) require that applicants or recipients be provided adequate notice of adverse action in written form citing applicable state regulations. This regulation sets forth the conditions under which an application is denied or assistance is decreased[, suspended] or discontinued.

Section 1. Reasons for Adverse Action: An application is denied or assistance discontinued[, suspended] or decreased when:

(1) Income or resources exceed the standard for the specific assistance program, or when income of a recipient increases;

(2) Technical eligibility does not exist or ceases to exist:

(a) Deprivation of the needy child does not exist;

(b) The needy child is not living in the home of a relative within the specified degree of relationship;

(c) The needy child becomes twenty-one (21), or if eighteen (18) to twenty-one (21), is not attending school;

(d) The needy child is receiving supplemental security income;

(e) The needy individual is neither aged, blind nor disabled;

(f) The individual is residing in a public, non-medical institution, or if under age sixty-five (65), a tuberculosis hospital or, if between age twenty-one (21) and sixty-five (65) a psychiatric hospital.

(3) The applicant or recipient has failed to comply with a technical requirement:

(a) The applicant or recipient has failed to furnish a Social Security number, or to permit application to be made for such number, for one (1) or more persons for whom application has been made or assistance granted, resulting in ineligibility of the non-enumerated member(s);

(b) The specified relative as defined in 904 KAR 2:005 with whom the child lives has failed *without good cause to cooperate in child support activities* [to assign all rights of support to the bureau,] resulting in ineligibility of such relative;

[(c) The specified relative has deliberately failed to cooperate in respect to establishing paternity, locating an absent parent and/or obtaining support, resulting in ineligibility of such relative;]

(c) [(d)] The non-exempt applicant or recipient has failed to register for and/or participate in the Work Incentive Program, resulting in ineligibility of the non-exempt individual;

(d) [(e)] The applicant or recipient has failed to provide sufficient information or clarify conflicting information for a determination of eligibility despite receipt of written notice detailing the additional information needed for a determination; [.]

(e) *The applicant/recipient has failed to keep the appointment for an interview.*

(4) Other reasons:

(a) Request of client, or voluntary written withdrawal of application;

(b) Bureau staff unable to locate applicant or recipient;

(c) Applicant or recipient no longer domiciled in Kentucky;

(d) Change in program policy has adversely affected the recipient.

Section 2. Denial of Applications: Whenever an application is denied, the applicant is given written notification of the denial including the reason for the denial and the right to a fair hearing.

Section 3. Decreases[, Suspensions] and Discontinuances: Whenever a change in circumstances indicates that a money payment should be reduced[, suspended] or discontinued, or that medical entitlement should be discontinued or curtailed to any or all members, the recipient is given ten (10) days advance notice of the proposed action in writing, explaining the reason for the proposed action, and extending the opportunity to confer with the worker or to request a fair hearing. Hearing requests received during the advance notice period result in delay of the decrease[, suspension] or discontinuance pending the hearing of officer's decision.

Section 4. Exceptions to the Advance Notice Requirement: An advance notice of proposed action is not required, but written notice is given, whenever the decrease[,] or discontinuance [or suspension] results from:

(1) Information reported by the recipient and the recipient has signed a waiver of the notice requirement indicating understanding of the consequences;

(2) The bureau has received a clear[,] written statement, signed by the recipient, that he no longer wishes assistance;

(3) AFDC-FC is being discontinued;

(4) The bureau has received factual information that the aged, blind or disabled recipient has died;

(5) Whereabouts of the recipient are unknown and mail addressed to him has been returned indicating no known forwarding address, however a returned check will be made available to him if his whereabouts become known during the *payment period covered by the returned check* [usual ten (10) day period];

(6) It has been established that assistance has been accepted in another state;

(7) The AFDC child has been removed from the home by judicial order and placed in foster care;

(8) The aged, blind or disabled supplementation recipient has entered a chronic care facility resulting in vendor payment status;

(9) The recipient has entered a penal institution or if under sixty-five (65) a tuberculosis hospital, or if between twenty-one (21) and sixty-five (65), a mental hospital;

(10) A special allowance, or time limited assistance is terminated and the recipient has been informed in writing at the time the allowance or assistance was granted of the automatic termination at the end of a specified period or under specific conditions.

WILLIAM L. HUFFMAN, Commissioner

ADOPTED: April 3, 1980

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: April 18, 1980 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, DHR Building, 275
East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES

Bureau for Social Insurance
(Proposed Amendment)

904 KAR 2:050. Time and manner of payment.

RELATES TO: KRS 205.220(1)

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility under the provisions of KRS Chapter 205 to administer money payment programs under Title IV-A of the Social Security Act and a state funded program of money payments to those aged, blind and disabled individuals disadvantaged by the implementation of the Supplemental Security Income Program, hereinafter referred to as SSI. In addition KRS 205.245 provides for money payments to certain other aged, blind or disabled individuals. This regulation sets forth the time and the manner in which payments are made and the persons to whom payments may be made as required by KRS 205.220(1).

Section 1. Manner and Time of Payment: (1) All assistance payments are made by check issued monthly.

(2) The effective date of payment shall be the first day of the month of application if all eligibility factors were met as of that month.

(3) Payment is made for an entire month during any part of which eligibility factors are met.

(4) Supplemental payments shall be made if, due to administrative deadlines, changes in circumstances cannot be recognized in the month such change is reported.

(5) Supplemental payments to correct underpayments due to administrative errors shall be made for a period of up to twelve (12) months preceding the month of error correction if the error existed in the preceding months.

Section 2. Inalienability of Payment: Money payments are unconditional and are exempt from any remedy for the collection of debts, liens and encumbrances.

Section 3. Eligible Payees: Money payments are issued in the name of the eligible applicant, except that:

(1) In the Aid to Families with Dependent Children Program, a protective payment may be made to a third party payee when:

(a) A determination has been made that poor money management is contributing to the unsuitability of the home for a needy child; or

(b) The parent payee has refused without good cause to participate in the Work Incentive Program or the Child Support Program.

(2) Payment for the month of death may be made to the parent or other specified relative of the deceased child, or the duly appointed administrator of the estate or other qualified executor of the will of the deceased.

WILLIAM L. HUFFMAN, Commissioner

ADOPTED: April 11, 1980

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: April 18, 1980 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, DHR Building, 275
East Main Street, Frankfort, Kentucky 40621.

Proposed Regulations

DEPARTMENT OF FINANCE

200 KAR 2:005. Reimbursement for employees travel.

RELATES TO: KRS Chapters 42, 44, 45

PURSUANT TO: KRS 13.082, 42.030, 44.060, 45.170, 45.180, 45.300

NECESSITY AND FUNCTION: The Department of Finance is directed by law to coordinate and supervise the fiscal affairs and procedures of the State and is authorized to adopt regulations for that purpose. The purpose of this regulation is to specify eligibility, requirements, rates and forms for reimbursement of travel expense and other official expenses out of the State Treasury.

Section 1. General. (1) Affected agencies. Except as otherwise provided by law, this regulation shall apply to all departments, agencies, boards, and commissions, and institutions of the Executive Branch of State Government. It shall not apply to the Legislative and Judicial branches and their employees.

(2) Enforcement:

(a) Each agency head is responsible for insuring that all travel expense from that agency is as economical as is feasible.

(b) All persons who travel on official state business shall state on the expense voucher the purpose of each trip, shall maintain records to support their claims and shall provide themselves with sufficient personal funds to defray their travel expense.

(c) 1. The Secretary of the Department of Finance is responsible for insuring that all travel reimbursement conforms to this regulation. He may disallow, reduce or strike from expense vouchers any claims contrary to this regulation. He may also require written justification from agency heads for amounts claimed by their agencies and employees.

2. The Secretary of the Department of Finance may approve exceptions where he finds such exception in the best interest of the Commonwealth.

(3) Internal limits. Within the framework and limits of this regulation, any agency may make further rules for its employees. The agency shall send a copy to the Secretary of the Department of Finance before such internal rules become effective.

(4) Eligibility. Except as provided by state law or by this regulation, no reimbursement can be claimed for expenses of any person other than employees, bona fide wards, or other persons in the official service of the Commonwealth. Only necessary expenses of official travel will be reimbursed.

(5) Interpretation. All final interpretations of this regulation shall be made by the Director, Division of Accounts, Department of Finance, acting for the Secretary, and such determinations shall be final and conclusive.

Section 2. Definitions; Work Station. (1) The official work station of employees assigned to an office is the street address where the office is located.

(2) The official work station of field employees shall be established by the agency head, based solely on the best interests of the Commonwealth, not on employee's convenience. The designation of work station shall not be for the

purpose of allowing additional mileage reimbursement for the employee.

(3) If an employee is permanently re-assigned, or is stationed at a new place two (2) months, the new place immediately becomes that employee's official work station concerning travel expense.

Section 3. Authorizations. (1) No travel expense shall be reimbursed unless the travel was authorized in advance as follows:

(a) Travel in Kentucky and within forty (40) miles of Kentucky: authorized by the agency head or a designated representative.

(b) Travel more than forty (40) miles outside of Kentucky but in the other forty-nine (49) states, District of Columbia, Canada, or Mexico: authorized in advance by the department head or a designated representative and by the Secretary of the Department of Finance or a designated representative.

(c) Travel to foreign counties not listed above: authorized in advance by the agency head, Secretary of the Department of Finance and Governor, or by their designated representatives.

(2) All requests for authorization for official travel farther than forty (40) miles from Kentucky must reach the Department of Finance at least five (5) working days before the intended start of travel. If more than four (4) employees are to travel to the same out-of-state destination, the request shall explain the necessity for the number. (Form B120-7, Authorization for Travel.)

Section 4. Transportation. (1) Economy required: (a) State officers, agents, and employees traveling on state business shall use the most economical, standard transportation available and the most direct and usually-traveled routes. Expenses added by use of other transportation or routes must be assumed by the individual.

(b) Round-trip, excursion or other reduced-rate rail or plane fares shall be obtained if practical.

(2) State vehicles. State-owned vehicles with their credit cards shall be used for state business travel when available. No mileage payment shall be claimed when state-owned vehicles are used.

(3) Privately-owned vehicles. Mileage claims for use of privately-owned vehicles may be disallowed if a state vehicle was available and feasible. No reimbursement shall be paid for travel between residence and work station.

(4) Buses, subways. For city travel, employees are encouraged to use buses and subways. Taxi fare may be allowed when more economical transportation is not feasible.

(5) Airline travel. Commercial airline travel shall be coach/tourist class and on this country's airlines. Additional expense for first-class travel will not be reimbursed by the state.

(6) Special transportation:

(a) The cost of hiring cars or other special conveyances in lieu of ordinary transportation will be allowed only with acceptable justification.

(b) Privately-owned aircraft may be used only when it is to the advantage of the state, measured both by travel costs and travel time.

Section 5. Accommodations. (1) Economy required. Lodging costs should be the most economical that are consistent with the state's best interests. Facilities providing special government rates or commercial rates will be used where feasible. Agencies shall contact the department's Division of Accounts travel desk for assistance as needed in obtaining group rates and special state rates.

(2) Location. Cost for lodging within forty (40) miles of the claimant's official work station or home will not be reimbursed.

(3) Group lodging, by contract. Within state purchasing laws and with prior authorization from the Department of Finance, state agencies and institutions may contract with hotels, motels and other establishments for five (5) or more employees to use a room or rooms on official business. Group rates must be requested. The contract may also apply to meals and gratuities. Costs of rooms and meals per person shall not exceed limits set by this regulation under "Reimbursement Rates." The agency shall certify that no employee is claiming individual reimbursement or subsistence for the same costs.

(a) The agency request for Department of Finance approval shall state:

1. The location and nature of the official business requiring travel;
2. The intended length of stay;
3. The number of rooms, meals and employees;
4. Expected cost;
5. Name and address of the hotel, motel, or other proposed establishment.

(b) For payment, the agency shall forward a receiving report (Authorization for Payment Form B111-9) with the vendor's bill, the names of affected employees, a copy of the contract and the approval to the Department of Finance, Division of Accounts. The payment shall not include telephone expenses or personal charges of employees. The state's payment shall be made directly to the hotel, motel, or other establishment.

(4) State parks. A state agency or institution using state park facilities may pay for rooms and meals by inter-account bill.

Section 6. Reimbursement Rates. (1) Lodging plus subsistence and other expenses. Except for the Judicial and Legislative branches, their employees, the Governor, and others listed in subsection (2) below, and except where otherwise provided by law, the reimbursement for official travel expense shall be:

(a) Lodging:

1. If lodging cost is the lowest feasible, a claimant who attaches the hotel's or motel's pre-printed, receipted bill shall be reimbursed within limits for that claimant's actual cost of lodging.

2. Maximum anywhere in the United States shall be thirty-five dollars (\$35) per day, plus taxes, except for "high-rate" areas listed by the Secretary of the Department of Finance. Maximum in listed "high-rate" areas shall be fifty dollars (\$50) per day, plus taxes. The state will not pay for lodging within forty (40) miles of claimant's residence or work station.

(b) Subsistence:

1. Subsistence shall include amounts deemed to have been spent for meals, tax, and tips. To be eligible for subsistence, a claimant's authorized work must require overnight lodging at a destination more than forty (40) miles from both work station and home and must also include absence from work station and home during mealtime.

2. For travel in Kentucky and United States, except "high-rate" areas listed by the Secretary of the Department of Finance, subsistence shall not exceed:

Breakfast (authorized travel must require overnight lodging and must also include 6:30 a.m. through 9 a.m.) \$ 3

Lunch (authorized travel must require overnight lodging and must also include 11 a.m. through 2 p.m.) \$ 3

Dinner (authorized travel must require overnight lodging and must also include 5 p.m. through 8 p.m.) \$ 8

3. For travel to high-rate areas listed by the Secretary of the Department of Finance, subsistence shall not exceed:

Breakfast (authorized travel must require overnight lodging and must also include 6:30 a.m. through 9 a.m.) \$ 4

Lunch (authorized travel must require overnight lodging and must also include 11 a.m. through 2 p.m.) \$ 5

Dinner (authorized travel must require overnight lodging and must also include 5 p.m. through 8 p.m.) \$11

4. A state officer or an employee assigned to attend a function of an organization not under the state officer's control may be reimbursed for actual meal cost charged by the organization, instead of subsistence.

(c) Privately-owned vehicles. Reimbursement for official use of a privately-owned vehicle shall be eighteen (18) cents per mile, and payment shall not exceed airplane coach fare.

(d) Commercial transportation. With receipts actual commercial cost will be reimbursed.

(e) Privately-owned aircraft. Reimbursement for use of privately-owned aircraft shall not exceed the cost of air coach fare.

(f) Camping vehicles. Claimants using camping vehicles for lodging shall be reimbursed not more than four dollars (\$4) per night, plus parking or camping charges. A receipt for parking or camping charges must be submitted.

(g) Parking and tolls. Actual parking, bridge and toll charges are reimbursable. Toll receipts are not required for in-state travel by two (2) axle vehicles.

(h) Baggage charges. Reasonable expenses are allowed for baggage handling, for delivery to or from a common carrier or lodging and for storage. Charges for overweight baggage may be allowed if the excess was for official business.

(i) Registration fees. Registration fees required in official travel for admittance to meetings will be allowed. If the fee entitles registrants to meals, claims for subsistence shall be reduced accordingly.

(j) Telephone expenses. Telephone and telegraph costs for necessary official business will be allowed. Calls to agency central offices should be made by Centrex or collect.

(k) Other. Where justified, other necessary miscellaneous expenses of official travel may be allowed by the Secretary of the Department of Finance.

(2) Actual and necessary expense:

(a) With pre-printed receipts for items over two dollars (\$2), the actual and necessary cost of official business travel (including lodging, meals, related taxes, gratuities and commercial transportation) may be reimbursed to the following:

1. Governor and Lieutenant Governor, other state-wide elected Constitutional officials, cabinet secretaries, the Governor's staff, state employees traveling on assignment with the Governor or Lieutenant Governor, and to authorized persons traveling outside the United States.

2. Reimbursement for official use of a privately-owned vehicle shall be eighteen (18) cents per mile, and such payment shall not exceed airplane coach fare.

(b) The Governor and cabinet secretaries may be reimbursed for their actual costs of entertaining official business guests and shall certify such costs to the Department of Finance.

(c) With certification by the cabinet head, employees of the Development Cabinet and the Department of Public Information may be reimbursed for their actual costs of entertaining the state's official business guests concerning economic development and industrial and travel promotion.

(d) The Secretary of the Department of Finance may question and reduce claims if amounts appear excessive.

Section 7. (1) Travel expense voucher (Form B120-6):

(a) Use:

1. This form shall be used to claim all reimbursement for travel expense.

2. The voucher shall include the expense of only one (1) person except where an employee pays the expenses for a ward of the Commonwealth or other person for whom the claimant is officially responsible. Such persons' names and status or official relationship to the claimant's agency must be listed on the voucher.

3. A travel voucher shall ordinarily cover one (1) month or one (1) major trip. The purpose of each trip shall be shown on the voucher. If monthly expenses total less than ten dollars (\$10), a voucher may cover as much as six (6) months within the same fiscal year.

(b) Preparation:

1. The travel voucher may be either typed or legibly prepared in ink. All receipts shall be stapled to the back at the upper left corner.

2. If leave interrupts official travel, the travel voucher shall show the dates of leave.

(c) Computing mileage. Mileage for in-state travel will be based on Department of Transportation official mileage map. Out-of-state mileage will be based on Rand McNally mileage maps. If point of origin is the claimant's residence, mileage will be paid between residence and travel destination or between work station and travel destination, whichever is shorter, except that commuting mileage between home and work station will not be paid.

(d) Vicinity travel. Vicinity travel and authorized travel within claimant's work station shall be listed on separate lines on the expense voucher.

(e) Signatures. Travel vouchers shall be signed and dated by the employee submitting the claim and by the employee's supervisor. Other required approvals are listed in this regulation under "Authorizations."

(f) Receipts. Except for mileage and subsistence, claimants shall furnish for each expenditure over two dollars (\$2) the pre-printed, receipted bill from the hotel, motel, restaurant, or other establishment. The receipt must establish the amount, date, location and essential character of the expenditure.

(2) Authorization for out-of-state travel (Form B120-7). This form shall be used to request finance department authorization for travel farther than forty (40) miles from Kentucky. Required approvals are listed in this regulation under "Authorizations."

(3) Contract for rooms and meals (Form B120-16). This form shall be used for group accommodations as described in this regulation under "Accommodations."

GEORGE L. ATKINS, Secretary

ADOPTED: April 17, 1980

RECEIVED BY LRC: May 1, 1980 at 11:15 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary, Department of Finance, Capitol Annex, Frankfort, Kentucky 40601.

**DEPARTMENT OF FINANCE
Divisions of Occupations and Professions
Board of Nursing**

201 KAR 20:056. Advanced registered nurse practitioner.

RELATES TO: KRS 314.011

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: The 1978 revision of the Nurse Practice Act provides for the registration of advanced registered nurse practitioner. It is necessary to define the qualifications of those to be registered.

Section 1. The Kentucky Board of Nursing shall register as advanced registered nurse practitioners pursuant to KRS 314.131 those who:

(1) Are currently licensed to practice as a registered nurse in Kentucky;

(2) Have completed an organized post-basic program of study and clinical experience recognized by the board and one (1) of the following national organizations: American Nurses' Association, American College of Nurse Midwives, American Association of Nurse Anesthetists, National Board of Pediatric Nurse Practitioners/Associates, Nurses' Association of the American College of Obstetricians and Gynecologists, or other national organizations as designated by the board through amendment to this regulation and in collaboration with the Nurse Practice Council; and

(3) Are currently certified by one (1) of the following national organizations: American Nurses' Association as practitioners and clinical specialists, American College of Nurse Midwives as nurse midwives, Council on Certification/Recertification of Nurse Anesthetists (or their predecessor, American Association of Nurse Anesthetists) as nurse anesthetists, National Board of Pediatric Nurse Practitioners/Associates as practitioners, Nurses' Association of the American College of Obstetricians and Gynecologists as practitioners, or other national organizations as designated by the board through amendment to this regulation and in collaboration with the Nurse Practice Council.

Section 2. A nurse who meets the qualifications of Section 1 shall be issued an advanced registered nurse practitioner number and shall have the advanced registered nurse practitioner designation on the registered nurse license.

Section 3. Registration will be granted each year at the time of the renewal of the registered nurse license upon verification of the requirement of Section 1(1) and (3).

Section 4. A nurse who meets the requirements of Section 1(1) and (2) and who is eligible for and has applied for initial certification by one (1) of the national organizations specified in Section 1(3) may practice under the supervision of a certified advanced registered nurse practitioner of the same specialty or a licensed physician until results of the certification examination have been received or for a period not to exceed one (1) year beyond the practice requirement for certification.

Section 5. An advanced registered nurse practitioner who has applied for recertification by one (1) of the national organizations specified in Section 1(3) may practice as an advanced registered nurse practitioner until the results of the recertification have been received.

Section 6. (1) A nurse who fails to attain certification from one (1) of the national organizations specified in Section 1(3) will not be registered as an advanced registered nurse practitioner and may not practice or use the title of advanced registered nurse practitioner until the requirements of Section 1 have been met.

(2) An advanced registered nurse practitioner who fails to attain recertification as required by the appropriate national organization will be notified that his/her advanced registered nurse practitioner number is void and he/she may not practice as or use the title of advanced registered nurse practitioner until recertification has been achieved.

(3) An advanced registered nurse practitioner who is decertified by the appropriate national organization shall notify the board of that fact and he/she shall not practice as or use the title of advanced registered nurse practitioner during the period of decertification.

Section 7. The requirements of this regulation do not prohibit the supervised practice of nurses enrolled in post-basic educational programs for preparation in advanced registered nursing practice.

Section 8. No nurse shall practice as an advanced registered nurse practitioner or use any words or letters to indicate the nurse is an advanced registered nurse practitioner unless registered by the Kentucky Board of Nursing.

Section 9. Any nurse practicing as an advanced registered nurse practitioner who is not registered as such by the board or any advanced registered nurse practitioner whose practice is inconsistent with the specialty to which he/she has been designated, may be subject to the disciplinary procedures set in KRS 314.091.

Section 10. 201 KAR 20:055 is hereby repealed.

SHARON M. WEISENBECK, R.N., Executive Director
ADOPTED: March 7, 1980

RECEIVED BY LRC: April 24, 1980 at 10:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Sharon M. Weisenbeck, R.N., Executive Director,
Kentucky Board of Nursing, 4010 Dupont Cr.-Suite 430,
Louisville, Ky. 40207

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance

703 KAR 2:016. Repeal of 703 KAR 2:015.

RELATES TO: KRS 158.030

PURSUANT TO: KRS 13.082, 156.070

NECESSITY AND FUNCTION: The State Board for Elementary and Secondary Education was required to establish procedures for consideration of petition of parents desiring to enter their children in school prior to legal age limits; however, this provision was repealed by 1980 HB 51.

Section 1. 703 KAR 2:015 is hereby repealed.

RAYMOND BARBER
Superintendent of Public Instruction

ADOPTED: April 15, 1980

RECEIVED BY LRC: May 14, 1980 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Fred Schultz, Secretary, Kentucky State Board for
Elementary and Secondary Education, 17th Floor, Capital
Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
Occupational Safety and Health Program

803 KAR 2:019. Receiving and unloading bulk hazardous liquids.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: Pursuant to the authority granted the Kentucky Occupational Safety and Health Standards Board by KRS 338.051 and 338.061, the following regulation is adopted. The function of this regulations to to set forth minimum safety requirements for employees with respect to receiving and unloading bulk hazardous liquids.

Section 1. Scope. This regulation will provide employers in Kentucky with specific requirements for chemical handling procedures to control receiving and transfer to storage of bulk hazardous liquids received via motor truck. This applies to chemicals which if inadvertently mixed or transferred to an inappropriate container could result in explosion and/or production of toxic gases. This regulation does not apply to receiving gasoline, fuel oil, or liquefied petroleum gas at retail or wholesale outlets or to industrial filling stations where the industry standard operating procedure requires the hauler to make connections and complete delivery. This regulation does not apply to agriculture.

Section 2. Definition. "Hazardous liquid" means, for the purpose of this regulation, a chemical or mixture of chemicals that is toxic, an irritant, corrosive, a strong oxidizer, a strong sensitizer, combustible, flammable, extremely flammable, dangerously reactive or pressure generating or which otherwise may cause substantial personal injury or substantial illness during or as a direct result of any customary or reasonably foreseeable handling or use.

Section 3. General Requirements. (1) Signs and labels shall be posted as follows:

(a) At bulk chemical receiving and storage facilities, (capable of unloading tank trucks or trailers) signs and labels, readily legible at normal operating positions, shall indicate appropriate contents and item identification at receiving and dispensing connections, valves, tanks, and the storage area perimeter.

(b) Prominently displayed signs at critical access points shall direct tank truck drivers to plant security stations or to supervisory personnel. Signs at the unloading area shall

give specific instruction to drivers not to connect truck tank hoses to chemical receiving lines.

(c) Bills of lading, freight bills or accompanying paper work should have each hazardous chemical clearly identified by its shipping name (49 CFR) or if N.O.S. (not otherwise specified) by its common name. Handling information clearly indicated for receiver information should be included.

(2) Receiving liquid chemicals:

(a) Receiving of bulk liquid chemicals shall be coordinated by the receiving department or persons responsible for receiving. Only those persons trained and authorized shall make the required chemical identification and perform or supervise the unloading of hazardous chemicals.

(b) Prior to unloading, the authorized person shall make an inspection of the accompanying papers, check the load and ascertain its identity.

(c) If necessary for identification, chemical testing shall be accomplished prior to acceptance.

(d) The authorized person shall direct the driver to the proper unloading area.

(e) The receiving area, where chemicals are unloaded, shall be secured behind a locked fence enclosure or all receiving connections shall be under lock and key or made secure by other positive means.

(f) The authorized person shall be responsible for control of keys or combination to locking devices.

(g) The tank truck driver may make connection to the tank truck. An authorized person only shall make connection to company receiving connections and supervise the unloading into storage. The tank truck driver may make both connections provided an authorized person is present to identify, check and supervise the connection and unloading. In receiving areas where more than one (1) chemical is stored, the tank connection shall be individually keyed. Connection to different chemical receiving systems shall be locked by separated keying arrangement. Due caution shall be made to prevent spills and to assure that the receiving tank is not overfilled. Prior arrangements shall be made to assure that inadvertent overflow is controlled without exposing employees. (It is recognized that environmental protection regulations require storm or sewer drains also be protected.)

(h) Upon completion of unloading, the receiving device or the enclosure shall be locked and the key returned to its designated security location or other equivalent action be taken to secure the chemical inventory.

(i) Appropriate respiratory and other emergency personal protective equipment for the body, eyes, face, etc., shall be immediately available and used in accordance with 29 CFR 1910, Subpart I, as adopted by 803 KAR 2:020.

(3) Training:

(a) Authorized persons responsible for the acceptance of potentially hazardous chemicals shall have an understanding of the particular hazards associated with those chemicals individually and in combination.

(b) Internal written operating procedures shall be prepared. All affected employees shall be trained in these procedures.

(c) Written emergency evacuation plans shall be prepared, and practiced by all potentially affected employees.

(d) Copies of the operating procedures, emergency evacuation plans, and a listing of personnel authorized to receive bulk chemicals shall be on the premises and available to employees and to compliance safety and health officers.

(e) Employees subject to exposure in the storage area re-

quiring the use of respirators shall be fitted for and trained in their use, all in accordance with 29 CFR 1910.134, as adopted by 803 KAR 2:020.

(f) Special first aid procedures shall be prepared for the potential injuries of the operation. First aid capability shall be in accordance with 1910.151, as adopted by 803 KAR 2:020.

EUGENE F. LAND, Commissioner

ADOPTED: April 28, 1980

APPROVED: DENNIS CARRIGAN, Deputy Secretary
RECEIVED BY LRC: May 13, 1980 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Executive Director, Kentucky Department of Labor,
Occupational Safety and Health Program, U.S. 127 South,
Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES Kentucky Drug Formulary Council

902 KAR 1:142. Cyclandelate.

RELATES TO: KRS 217.814 to 217.826, 217.990(9),
(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Cyclandelate pharmaceutical products by their generic and brand names that have been determined by the Council to be therapeutically equivalent.

Section 1. Cyclandelate Capsule Pharmaceutical Products. The following Cyclandelate capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage.

(1) Cyclandelate 200 mg. Capsule Form:

(a) Cyclandelate: Bolar Pharmaceuticals, Columbia Medical Company, Cooper Drug Company, Geneva Generics, Interstate Drug Exchange, MD Pharmaceuticals, Murray Drug Corporation, Pharmadyne Laboratories, Richie Pharmacal, Rugby Laboratories, West-ward, Inc;

(b) Cyclospasmol: Ives Laboratories;

(2) Cyclandelate 400 mg. Capsule Form:

(a) Cyclandelate: Bolar Pharmaceuticals, Geneva Generics, Interstate Drug Exchange, MD Pharmaceuticals, Murray Drug Corporation, Pharmadyne Laboratories, Richie Pharmacal, Rugby Laboratories;

(b) Cyclospasmol: Ives Laboratories.

E. C. SEELEY, M.D., Chairperson

ADOPTED: May 5, 1980

APPROVED: W. GRADY STUMBO, Secretary
RECEIVED BY LRC: May 14, 1980 at 4 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Andy Naff, Kentucky Drug Formulary Council, 275
East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
Division for Consumer Health Protection

902 KAR 47:040. Cellulose insulation.

RELATES TO: KRS 211.025, 211.090, 211.180, 217.700

PURSUANT TO: KRS 13.082, 194.080, 211.090

NECESSITY AND FUNCTION: KRS 211.090 and 211.180 grant the Department for Human Resources the authority to establish regulations relating to all matters of public health for the prevention and control of health hazards. The purpose of this regulation is to establish a standard for cellulose insulation; to prescribe testing requirements and procedures for the flame resistance and corrosiveness of cellulose insulation and to set forth the labeling requirements of all containers of cellulose insulation to which this regulation applies. These requirements are intended to reduce or eliminate unreasonable risk of injury to consumers from flammable and corrosive insulation.

This regulation shall apply to cellulose insulation that is a consumer product, that is, cellulose insulation produced or distributed for sale to or for the personal use, consumption, or enjoyment of consumers in or around a permanent or temporary household or residence, a school, in recreation or otherwise. This regulation applies to cellulose insulation that is produced or distributed for sale to consumers for their direct installation or use, as well as cellulose insulation that is produced or distributed for installation by professionals.

Section 1. Definitions. (1) The term "cellulose insulation" means cellulosic fiber, loose fill, thermal insulation that is suitable for blowing or pouring applications. The definition includes insulation installed using the "wet process" method of installation. The "wet process" insulation is blown into an area with a spray or mist of water applied at the nozzle during installation.

(2) "Department" means the Department for Human Resources.

(3) "Risk of injury" means exposure to the chance of death, personal injury, or serious or frequent illness.

(4) "Manufacturer" means any person who manufactures or imports consumer products.

(5) "Distributor" means a person to whom a consumer product is delivered or sold for purposes of distribution in commerce, except that such term does not include a manufacturer or retailer of such product.

(6) "Retailer" means a person to whom a consumer product is delivered or sold for purposes of sale or distribution by such person to a consumer.

(7) "Private labeler" means an owner of a brand or trademark on the label of a consumer product which bears a private label.

(8) "Manufactured" means to manufacture, produce or assemble.

(9) "To distribute in commerce" and "distribution in commerce" mean to sell in commerce, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce.

(10) "Commerce" means trade, traffic, commerce, or transportation.

Section 2. General Requirements. (1) All cellulose insulation to which this regulation applies shall be noncorrosive; shall have a critical radiant flux equal to or greater

than 0.12 W/CM² for each of the three (3) specimens collected and shall have no evidence of flaming combustion or weight loss above fifteen (15) percent of the initial weight, for each of three (3) specimens, when tested in accordance with the procedures prescribed by Section 1209.5 through Section 1209.7 of the Federal Interim Safety Standard for Cellulose Insulation, Part 1209, Section 35(c)(2), P.L. 95319, 92 Stat. 388-389.

(2) All manufacturers, importers and private labelers of cellulose insulation to which this regulation applies must certify that their products comply with the Amended Interim Standard for Cellulose Insulation (16 CFR Part 1209, Subpart A) in accordance with requirements for conducting a reasonable testing program, certifying with labels and separate certificates, and record keeping as set forth in 16 CFR 1209, Subpart B.

(3) All containers of cellulose insulation to which this regulation applies, shall have a labeling statement in accordance with the labeling requirements prescribed by Section 1209.9 of the Federal Interim Safety Standard for Cellulose Insulation, Part 1209, filed herein by reference, which states:

"(a) Manufacturers and private labelers of cellulose insulation shall place on all containers of cellulose insulation the following statement: 'This product meets the amended CPSC standard (effective October 16, 1979) for flame resistance and corrosiveness of cellulose insulation.'"

(4) To meet this requirement manufacturers and private labelers may use any type of label, including one which is pressure sensitive or glued on, provided the label is made in such a manner that it will remain attached to the container for the expected time interval between the manufacture of the product and its installation.

(5) This label shall appear prominently and conspicuously on the container in letters which are at least one-fourth (1/4) inch in height.

(6) The labeling statement shall be printed with legible type in a color which contrasts with the background on which the statement is printed. In addition, the following labeling shall appear on all containers of cellulose insulation as required by 16 CFR Section 1404.4, as amended, Part 1404, as follows:

"(a) Manufacturers of cellulose insulation shall give notification of performance and technical data related to performance and safety (1) to prospective purchasers of such products at the time of original purchase and (2) to the first purchaser of such products for purposes other than resale in the following manner. Manufacturers of cellulose insulation shall label all containers of cellulose insulation with the following statement, using capital letters as indicated:

"CAUTION

"TO HELP AVOID FIRE: Keep insulation at least three (3) inches away from the sides of recessed light fixtures. Do not place insulation over such fixtures so as to entrap heat.

"Also keep this insulation away from exhaust flues of furnaces, water heaters, space heaters, or other heat-producing devices.

"To be sure that insulation is kept away from light fixtures and flues, use a barrier to permanently maintain clearance around these items. Check with local building or fire officials for guidance on installation and barrier requirements.

"REQUEST TO INSTALLER: Remove this label and give it to the consumer at completion of job."

(7) The labeling statement required shall appear prominently and conspicuously on the container. The word

"CAUTION" shall appear in capital letters at least one-fourth ($\frac{1}{4}$) inch in height. The words "TO HELP AVOID FIRE:" and "REQUEST TO INSTALLER" shall appear in capital letters at least three-sixteenths ($\frac{3}{16}$) inch in height. The remainder of the statement shall appear in capital letters at least three-sixteenths ($\frac{3}{16}$) inch in height, with lower case letters in corresponding proportion but at least one-eighth ($\frac{1}{8}$) inch in height. The labeling statement shall be enclosed within a rectangle formed with lines at least one-sixteenth ($\frac{1}{16}$) inch in width. The labeling statement shall be printed with legible type in a color which contrasts with the background on which the statement is printed.

(8) To meet this requirement, manufacturers may use any type of label, including one which is pressure sensitive or glued on, provided the label is made in such a manner that it will remain attached to the container for the expected time interval between the manufacture of the product and its installation.

Section 3. Test Procedures for Cellulose Insulation. The test procedures prescribed in the U. S. Consumer Product Safety Act and regulations based thereon shall be applicable to all regulations adopted by the department relating to cellulose insulation.

Section 4. Cellulose Insulation Manufactured Not In Compliance With This Regulation. Any cellulose insulation manufactured in the Commonwealth of Kentucky or distributed for sale to, or the personal use, consumption or permanent or temporary use in a household or residence, a school, in recreation, or otherwise in this Commonwealth, shall be deemed a prohibited product and prohibited from distribution in commerce when found to be not in compliance with this regulation.

Section 5. Compliance. Cellulose insulation, which is in compliance with applicable standards adopted by the U. S. Consumer Product Safety Commission, shall be considered to be in compliance with this regulation. In the event of a variance between this regulation and the regulations adopted by the U. S. Consumer Product Safety Commission relating to cellulose insulation, compliance with the federal regulations shall be deemed compliance with the provisions of this regulation.

Section 6. Issuance and Service of Notice of Violation. (1) When test procedures prescribed in Section 3 reveal the cellulose insulation is not in compliance with the established standards, the department shall notify the owner of such violations by means of a written notice. Such notification shall:

- (a) Set forth the specific violations found.
 - (b) Establish a specific and reasonable period of time for the correction of such violations.
 - (c) State that an opportunity for appeal from any notice of inspectional findings will be provided if a written request for a hearing is filed with the department within fifteen (15) days of receipt of the notice of inspectional findings.
- (2) Notices provided for under this regulation shall be deemed to have been properly served when the written notification of findings has been delivered personally to the owner of the cellulose insulation manufacturing firm or person in charge, or when such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the owner or person in charge. A

copy of such notice shall be filed in the records of the department.

Section 7. Hearings. Upon timely receipt of a written request for an appeal of the findings of any inspection under the authority of this regulation, the department shall afford an aggrieved party the opportunity for a hearing. A hearing pursuant to this regulation shall be conducted at a time and place designated by the department. The department shall make written findings of fact and conclusions of law upon the record. A transcription of the hearing shall be provided to any interested party who requests such transcription and assumes the cost thereof.

Section 8. Quarantine. In the event cellulose insulation does not meet the applicable standards adopted by the U. S. Consumer Product Safety Commission as to flammability, corrosiveness, labeling requirements and certification or other standards adopted by the commission after the effective date of this regulation, the department may, if it deems such article to be dangerous to public health, quarantine such article pursuant to KRS 217.700.

W. GRADY STUMBO, Secretary

ADOPTED: May 14, 1980

RECEIVED BY LRC: May 15, 1980 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Department for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance

904 KAR 1:074. Claims processing.

RELATES TO: KRS 205.520, 205.560, 205.991

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of medical assistance under Title XIX of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. KRS 205.560 requires that the scope of medical care for which the department undertakes to pay shall be designated and limited by regulation promulgated by the department. KRS 205.991 provides for penalties for medical assistance offenses by providers. This regulation sets forth provisions relating to claims processing for services provided eligible medical assistance recipients, and responsibilities of providers with respect to submittal of claims.

Section 1. Definitions. (1) "Claim" means:

- (a) For physician, podiatry, dental, vision care, hearing aid dealers, home health, primary care clinics, mental health center clinics, pharmacy, hospital outpatient, and independent laboratory services, a line item of service;

- (b) For tuberculosis and mental hospital services, all services for one (1) recipient within a bill; and
- (c) For all other services, a bill for services.
- (2) "Timely" means within the time limits specified in 42 CFR 447.45.

Section 2. General. The department shall comply with the claims payment requirements specified in 42 CFR 447.45.

Section 3. Claims Submittal. (1) The Division for Medical Assistance of the Bureau for Social Insurance shall be responsible for developing, and providing in written form to participating providers, procedures for submittal of claims. Such procedures shall be designed so as to ensure that all the requirements with respect to timeliness set forth in 42 CFR 447.45 are met. Providers shall be held responsible for complying with claims submittal (billing) procedures specified by the Division for Medical Assistance.

(2) Providers are required to submit claims for services rendered eligible medical assistance recipients within twelve (12) months of the date of provision of services.

(3) The Division for Medical Assistance may specify that documentation of services rendered, proof of medical necessity, preauthorization documents or other similar aids to claims processing (if necessary) are to be submitted with the claim, or that such documentation (if necessary) may be provided by follow-up transmittal or on request; providers shall be responsible for submitting any required proof of necessity, preauthorization or other documentation relating to the claim.

(4) The Division for Medical Assistance shall be responsible for notifying providers promptly when additional clarification, proof of necessity or other documentation relating to a claim is necessary for processing of the claim.

(5) The Division for Medical Assistance may use claims processing systems whereby the provider submits a claim by means of a signed document, or other claims processing

systems whereby the provider submits the claim by telephone, magnetic tape, or other similar mechanism. When the claim is submitted by telephone, magnetic tape, or other similar mechanism, the following requirements shall apply:

(a) The provider shall be liable for the accuracy of all such claims submitted on his behalf by himself or his employees;

(b) The provider shall be responsible for reviewing the statement of payment or remittance statement, and acceptance of payment of such claims shall be considered to be the provider's certification that paid claims shown on the listing are true and correct;

(c) The provider shall himself endorse the payment check rather than delegating such task to one (1) of his employees; and

(d) Any provider using such systems to make false claims, statements or documents, or to conceal material facts, shall be subject to such penalties as are otherwise provided for by federal or state law.

Section 4. Claims Payment. (1) Claims shall be paid within the time limits specified in 42 CFR 447.45(d)(2), (3) and (4).

(2) When a provider fails to submit a claim within twelve (12) months of the date of service or provide necessary documentation so that the claim can be processed and paid within twelve (12) months of receipt of the claim by the Division for Medical Assistance, payment shall not be made for the claim (except as provided for in 42 CFR 447.45).

WILLIAM L. HUFFMAN, Commissioner

ADOPTED: April 16, 1980

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: April 29, 1980 at 9 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, DHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the May 7, 1980 Meeting

(Subject to Subcommittee approval at its June 4, 1980 Meeting.)

The regularly scheduled meeting of the Administrative Regulation Review Subcommittee was held on Wednesday, May 7, 1980, at 10 a.m., in Room 327 of the Capitol. The minutes of the April 1, 1980 meeting were approved. Present were:

Members: Representative William T. Brinkley, Chairman; Senator William Quinlan, and Representative Albert Robinson.

Guests: Martin Glazer, Crime Victims Compensation Board; Doug Borders and Roy V. Thurman, Board for Licensing Nursing Home Administrators; James D. Wilson, Board of Landscape Architects; John M. Leinenbach, Associated General Contractors; Don R. McCormick and Joe Bruna, Department of Fish and Wildlife Resources; Robert Blanz, George Risk and

James Villines, Department for Natural Resources and Environmental Protection; Bill K. Caylor, Kentucky Coal Association; Ed Fossett and Steve B. Marcum, Department of Education; Arnold Guess, Kentucky School Building Authority; Judith G. Walden, Department of Housing; William Sawyer and John Smither, Public Service Commissions; Don Dixon, Department for Human Resources; Ralph W. Schiefferle, Office of Lieutenant Governor.

LRC Staff: Mabel D. Robertson, Deborah Herd, Joe Hood, Steve Armbrust and Kathy Ragland.

The following regulations were deferred by the subcommittee:

KENTUCKY EMPLOYEES RETIREMENT SYSTEM General Rules

105 KAR 1:010. Contribution and interest rates. (Deferred until the August meeting.)

DEPARTMENT OF FINANCE**Board of Hairdressers and Cosmetologists**

201 KAR 12:105. School districts. (Deferred until the June meeting.)

DEPARTMENT OF EDUCATION**Bureau of Administration and Finance****Buildings and Grounds**

702 KAR 4:060. Construction criteria. (Deferred until amended by the board.)

The following regulations were approved and ordered filed:

CRIME VICTIMS COMPENSATION BOARD**Claims and Awards**

107 KAR 1:010. Financial hardship standards.

DEPARTMENT OF FINANCE**Occupations and Professions****Board of Licensure for Nursing Home Administrators**

201 KAR 6:010. Licensure.

Board of Examiners and Registration**of Landscape Architects**

201 KAR 10:050. Fees.

DEPARTMENT OF FISH AND WILDLIFE RESOURCES**Game**

301 KAR 2:045. Upland game birds, furbearers and small game; seasons, limits.

301 KAR 2:109. Seasons for deer hunting; gun and archery.

**DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION****Bureau of Environmental Protection****Water Quality**

401 KAR 5:010. Certification of wastewater system operators. (This regulation was filed on motion of Senator Quinlan, seconded by Chairman Brinkley. Representative Robinson abstained.)

Bureau of Surface Mining**Reclamation and Enforcement****Strip Mining of Coal**

405 KAR 1:260. Contemporaneous reclamation.

DEPARTMENT OF EDUCATION**Bureau of Administration and Finance****General Administration**

702 KAR 1:010. Facilities survey.

702 KAR 1:035. Group health and life insurance.

702 KAR 1:040. Procedure for suspending certificate after breach of contract.

702 KAR 1:080. Transfer of annexed property; hearing.

702 KAR 1:090. Replacement and instruction fees; funds, distribution and use.

Buildings and Grounds

702 KAR 4:050. Building sites; inspection, approval.

Bureau of Rehabilitation Services**Administration**

706 KAR 1:020. Independent living plan.

KENTUCKY SCHOOL BUILDING AUTHORITY**School Building Construction**

723 KAR 1:045. Project architects, engineers and fiscal agents.

723 KAR 1:055. Insurance coverage.

PUBLIC SERVICE COMMISSIONS**Utility Regulatory Commission**

807 KAR 25:010. Rules of procedure.

Energy Regulatory Commission

807 KAR 50:005. Rules of procedure.

**DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION****Standards of Safety**

815 KAR 10:020. Fire safety standards.

DEPARTMENT FOR HUMAN RESOURCES**Bureau for Health Services****Food and Cosmetics**

902 KAR 45:005. Food service code.

902 KAR 45:010. Definitions.

The meeting was adjourned at 11:40 a.m., to meet again on Wednesday, June 4, 1980, at 10 a.m., in Room 327 of the Capitol.

Administrative Register ^{of} kentucky

Cumulative Supplement

Regulation Locator—Effective Dates	L 2
KRS Sections Cited or Related to KAR	L 6
Cumulative Index to Volume 6	L 10

Regulation Locator—Effective Dates

Volume 5

Regulation	5 Ky.R. Page No.	Effective Date	Regulation	5 Ky.R. Page No.	Effective Date	Regulation	5 Ky.R. Page No.	Effective Date
103 KAR 41:040 Amended	1070	9-5-79	704 KAR 3:030 Amended	1084	8-1-79	704 KAR 3:270 Repealed	1110	8-1-79
103 KAR 41:050 Amended	1070	8-1-79	704 KAR 3:040 Repealed	1110	8-1-79	704 KAR 3:280 Amended	1085	8-1-79
106 KAR 1:030 Amended	1071	8-1-79	704 KAR 3:050 Repealed	1110	8-1-79	704 KAR 4:010 Amended	1086	8-1-79
201 KAR 5:010 Amended	927	8-1-79	704 KAR 3:055 Repealed	1110	8-1-79	704 KAR 4:015 Amended	1112	8-1-79
201 KAR 5:037 Amended	954	11-7-79	704 KAR 3:060 Repealed	1110	8-1-79	704 KAR 4:020 Amended	1086	8-1-79
201 KAR 5:040 Amended	927	8-1-79	704 KAR 3:070 Repealed	1110	8-1-79	704 KAR 5:010 Amended	1088	8-1-79
201 KAR 6:010 Amended	1072	8-1-79	704 KAR 3:080 Repealed	1110	8-1-79	704 KAR 5:050 Amended	1090	8-1-79
201 KAR 9:040 Amended	1075	8-1-79	704 KAR 3:090 Repealed	1110	8-1-79	704 KAR 10:050 Amended	707	8-1-79
201 KAR 9:085 Amended	1101	8-1-79	704 KAR 3:100 Repealed	1110	8-1-79	705 KAR 7:050 Amended	1090	8-1-79
201 KAR 12:130 Amended	1076	8-1-79	704 KAR 3:110 Repealed	1110	8-1-79	723 KAR 1:010 Amended	1113	8-1-79
201 KAR 27:005 Amended	1102	11-7-79	704 KAR 3:120 Repealed	1110	8-1-79	803 KAR 25:010 Amended	1091	10-3-79
201 KAR 27:015 Amended	1104	11-7-79	704 KAR 3:130 Repealed	1110	8-1-79	804 KAR 2:015 Amended	1095	8-1-79
201 KAR 27:020 Amended	1105	11-7-79	704 KAR 3:140 Repealed	1110	8-1-79	804 KAR 4:030 Amended	1095	8-1-79
201 KAR 27:025 Amended	1106	11-7-79	704 KAR 3:150 Repealed	1110	8-1-79	804 KAR 4:130 Amended	1096	8-1-79
201 KAR 27:035 Amended	1107	11-7-79	704 KAR 3:160 Repealed	1110	8-1-79	804 KAR 4:140 Amended	1097	8-1-79
201 KAR 27:040 Amended	1107	11-7-79	704 KAR 3:170 Repealed	1110	8-1-79	804 KAR 4:160 Amended	1097	8-1-79
201 KAR 27:045 Amended	1108	11-7-79	704 KAR 3:180 Repealed	1110	8-1-79	804 KAR 4:170 Amended	1098	8-1-79
201 KAR 27:050 Amended	1108	11-7-79	704 KAR 3:190 Repealed	1110	8-1-79	804 KAR 4:180 Amended	1098	8-1-79
201 KAR 27:060 Amended	1109	11-7-79	704 KAR 3:200 Repealed	1110	8-1-79	804 KAR 4:200 Amended	1098	8-1-79
201 KAR 27:065 Amended	1109	11-7-79	704 KAR 3:210 Repealed	1110	8-1-79	804 KAR 5:030 Amended	1099	8-1-79
201 KAR 27:070 Amended	1109	11-7-79	704 KAR 3:220 Repealed	1110	8-1-79	804 KAR 8:060 Amended	1099	8-1-79
301 KAR 1:115 Amended	1077	8-1-79	704 KAR 3:230 Repealed	1110	8-1-79	804 KAR 12:010 Repealed	1113	8-1-79
301 KAR 1:120 Amended	1077	8-1-79	704 KAR 3:240 Repealed	1110	8-1-79	804 KAR 12:020 Repealed	1113	8-1-79
301 KAR 1:140 Amended	1078	8-1-79	704 KAR 3:250 Repealed	1110	8-1-79	804 KAR 12:011 Repealed	1113	8-1-79
301 KAR 1:155 Amended	1078	8-1-79	704 KAR 3:260 Repealed	1110	8-1-79	811 KAR 1:200 Amended	1100	8-1-79
301 KAR 2:040 Amended	1079	8-1-79				815 KAR 7:030 Rejected Effective	1121	10-23-79 10-3-79
301 KAR 2:120 Amended	1081	8-1-79						
702 KAR 1:020 Amended	1081	8-1-79						
702 KAR 3:050 Amended	1082	8-1-79						
703 KAR 2:010 Amended	1082	8-1-79						
704 KAR 3:010 Amended	1083	8-1-79						
704 KAR 3:011 Amended	1110	8-1-79						
704 KAR 3:025 Amended	1110	8-1-79						

Volume 6

Emergency Regulation	6 Ky.R. Page No.	Effective Date	Emergency Regulation	6 Ky.R. Page No.	Effective Date	Emergency Regulation	6 Ky.R. Page No.	Effective Date
200 KAR 2:005E Expires	557	5-1-80	401 KAR 2:061E Expires	402	2-14-80	401 KAR 2:110E Expired	250	10-17-79 2-14-80
301 KAR 2:028E Expired	175	8-21-79 12-19-79	401 KAR 2:066E Expires	404	2-14-80	401 KAR 2:120E Expired	251	10-17-79 2-14-80
301 KAR 2:106E Expired	176	9-5-79 11-12-79	401 KAR 2:071E Expires	406	2-14-80	401 KAR 2:130E Expired	253	10-17-79 2-14-80
302 KAR 20:044E Expired	397	1-25-89 5-24-80	401 KAR 2:076E Expires	409	2-14-80	401 KAR 2:140E Expired	255	10-17-79 2-14-80
401 KAR 2:051E Expires	398	2-14-80	401 KAR 2:081E Expires	410	2-14-80	401 KAR 2:150E Expired	258	10-17-79 2-14-80
401 KAR 2:056E Expires	401	2-14-80 6-12-80	401 KAR 2:100E Expired	248	10-17-79 2-14-80	401 KAR 2:160E Expired	259	10-17-79 2-14-80

ADMINISTRATIVE REGISTER

L3

Emergency Regulation	6 Ky.R. Page No.	Effective Date	Regulation	6 Ky.R. Page No.	Effective Date	Regulation	6 Ky.R. Page No.	Effective Date
405 KAR 1:051E	337	12-7-79	201 KAR 12:065			301 KAR 2:109	510	5-7-80
Expired		4-5-80	Amended	416		301 KAR 2:111	549	
405 KAR 1:141E	2	6-26-79	201 KAR 12:105			301 KAR 3:053		
Expired		10-24-79	Amended	123	4-1-80	Amended	354	2-6-80
405 KAR 1:260F	5	6-26-79	201 KAR 16:010			302 KAR 31:005	319	2-6-80
Expired		10-24-79	Amended	277	1-2-80	302 KAR 31:015	323	2-6-80
405 KAR 3:111E	6	6-26-79	201 KAR 17:010			Amended	541	
Expired		10-24-79	Amended	236	12-5-79	302 KAR 31:025	326	2-6-80
702 KAR 3:020E	259	11-8-79	201 KAR 17:020			401 KAR 2:050	473	
Expired		2-6-80	Repealed	236	12-5-79	401 KAR 2:055	476	
704 KAR 10:005E	177	8-21-79	201 KAR 17:040			401 KAR 2:060	477	
Expired		12-19-79	Repealed	242	12-5-79	401 KAR 2:065	479	
704 KAR 20:235E	178	8-21-79	201 KAR 17:041	242	12-5-79	401 KAR 2:070	481	
Expired		12-19-79	201 KAR 17:050			401 KAR 2:075	484	
807 KAR 50:052E	260	11-5-79	Amended	237	12-5-79	401 KAR 2:080	485	
Expired		3-4-80	201 KAR 17:060			401 KAR 5:010	329	
815 KAR 7:012E	410	2-12-80	Amended	237	12-5-79	Amended	560	5-7-80
Expires		6-10-80	201 KAR 20:011			401 KAR 5:025		
904 KAR 2:086E	337	12-3-79	Amended	123	10-3-79	Repealed	341	12-5-79
Expired		4-1-80	201 KAR 20:015			401 KAR 5:026	339	12-5-79
904 KAR 2:087E	412	2-6-80	Amended	416	4-1-80	401 KAR 5:029	341	12-5-79
Expires		6-5-80	201 KAR 20:030			401 KAR 5:031	344	12-5-79
904 KAR 2:090E	413	2-6-80	Amended	417	4-1-80	401 KAR 5:035		
Expires		6-5-80	201 KAR 20:050			Amended	348	12-5-79
			Amended	418	4-1-80	401 KAR 6:040		
Regulation	6 Ky.R. Page No.	Effective Date	201 KAR 20:056	651		Amended	278	2-6-80
13 KAR 2:010	94	9-5-79	201 KAR 20:070			401 KAR 7:010	201	
101 KAR 1:050			Amended	419	4-1-80	Withdrawn		11-12-79
Amended	576		201 KAR 20:090			401 KAR 7:020	204	
101 KAR 1:130			Amended	420	4-1-80	Withdrawn		11-12-79
Amended	537		201 KAR 20:095	162	10-3-79	401 KAR 7:030	207	
105 KAR 1:010			201 KAR 20:110			Withdrawn		11-12-79
Amended	352		Amended	579		401 KAR 59:046	12	6-29-79
107 KAR 1:010	319	5-7-80	201 KAR 20:130			401 KAR 59:050	12	6-29-79
109 KAR 5:010			Amended	420		401 KAR 59:095	14	6-29-79
Amended	9	7-17-79	Withdrawn		4-28-80	401 KAR 59:100	14	6-29-79
110 KAR 1:010	470	4-1-80	201 KAR 20:150			401 KAR 59:101	15	6-29-79
110 KAR 1:020	470	4-1-80	Amended	421	4-1-80	401 KAR 59:180	16	6-29-79
110 KAR 1:030	471	4-1-80	201 KAR 21:005	163	10-3-79	401 KAR 59:185	18	6-29-79
110 KAR 1:040	471	4-1-80	201 KAR 21:010			401 KAR 59:190	20	6-29-79
110 KAR 1:050	472	4-1-80	Repealed	164	10-3-79	401 KAR 59:195	21	6-29-79
200 KAR 2:005	649	4-1-80	201 KAR 21:015	163	10-3-79	401 KAR 59:200	22	6-29-79
200 KAR 2:010			201 KAR 21:020			401 KAR 59:210	23	6-29-79
Repealed			Repealed	168	10-3-79	401 KAR 59:215	25	6-29-79
200 KAR 2:020	557	5-1-80	201 KAR 21:025	164	10-3-79	401 KAR 59:220	26	6-29-79
Repealed			201 KAR 21:030			401 KAR 61:005	27	6-29-79
200 KAR 2:030	557	5-1-80	Repealed	165	10-3-79	401 KAR 61:045	31	6-29-79
Repealed			201 KAR 21:031	164	10-3-79	401 KAR 61:050	32	6-29-79
200 KAR 2:040	557	5-1-80	201 KAR 21:035	165	10-3-79	401 KAR 61:055	34	6-29-79
Repealed			201 KAR 21:040			401 KAR 61:056	35	6-29-79
200 KAR 2:050	557	5-1-80	Repealed	168	10-3-79	401 KAR 61:060	36	6-29-79
Repealed			201 KAR 21:041	165	10-3-79	401 KAR 61:090	37	6-29-79
200 KAR 2:060	557	5-1-80	201 KAR 21:045	167	10-3-79	401 KAR 61:095	39	6-29-79
Repealed			201 KAR 21:055	167	10-3-79	401 KAR 61:100	41	6-29-79
200 KAR 2:065	557	5-1-80	201 KAR 21:060	168	10-3-79	401 KAR 61:105	43	6-29-79
Repealed			201 KAR 21:065	168	10-3-79	401 KAR 61:110	44	6-29-79
200 KAR 2:070	557	5-1-80	201 KAR 23:100	472		401 KAR 61:120	45	6-29-79
Repealed			Amended	525	4-1-80	401 KAR 61:125	47	6-29-79
200 KAR 2:090	557	5-1-80	201 KAR 24:010			401 KAR 61:130	48	6-29-79
Repealed			Amended	579		401 KAR 61:135	49	6-29-79
200 KAR 2:100	557	5-1-80	201 KAR 27:010	261	11-7-79	401 KAR 63:010	50	6-29-79
Repealed			201 KAR 27:030	263	11-7-79	405 KAR 1:051	377	
200 KAR 5:302	10	7-17-79	201 KAR 27:055	264	11-7-79	405 KAR 1:140		
200 KAR 5:303	10	7-17-79	301 KAR 1:015			Repealed	2	6-26-79
200 KAR 5:310	10	7-17-79	Amended	185		405 KAR 1:141	96	11-7-79
200 KAR 5:315	11	7-17-79	Amended	383	1-2-80	405 KAR 1:260	99	
200 KAR 5:317	162	11-7-79	301 KAR 1:055			Amended	563	5-7-80
201 KAR 1:060			Amended	186	11-7-79	405 KAR 3:110		
Repealed			301 KAR 1:060			Repealed	6	6-26-79
201 KAR 1:061	95	10-3-79	Amended	186	11-7-79	405 KAR 3:111	99	11-7-79
201 KAR 6:010	95	10-3-79	301 KAR 2:045			503 KAR 1:040		
Amended	491	5-7-80	Amended	494	5-7-80	Amended	421	4-1-80
201 KAR 8:140			301 KAR 2:047			503 KAR 5:050		
Amended	277	1-2-80	Amended	537		Amended	422	4-1-80
201 KAR 9:040			301 KAR 2:060			602 KAR 15:010		
Amended	236	12-5-79	Amended	124	10-3-79	Amended	580	
201 KAR 10:050			301 KAR 2:085			603 KAR 1:020		
Amended	493	5-7-80	Amended	187	11-7-79	Amended	125	10-3-79
			301 KAR 2:107			603 KAR 3:020		
			Repealed	510	5-7-80	Amended	55	
						Rejected	394	1-2-80

ADMINISTRATIVE REGISTER

Regulation	6 Ky.R. Page No.	Effective Date	Regulation	6 Ky.R. Page No.	Effective Date	Regulation	6 Ky.R. Page No.	Effective Date
603 KAR 3:050 Repealed	51	7-17-79	704 KAR 20:140 Amended	387	3-5-80	811 KAR 1:035 Amended	433	4-1-80
603 KAR 3:051	51	7-17-79	704 KAR 20:229	393	3-5-80	811 KAR 1:050 Amended	301	1-2-80
603 KAR 5:025 Amended	282	1-2-80	704 KAR 20:235 Amended	126		811 KAR 1:055 Amended	302	1-2-80
603 KAR 5:050 Amended	53	7-17-79	705 KAR 1:010 Amended	349	12-5-79	811 KAR 1:065 Amended	435	4-1-80
603 KAR 5:096 Amended	189	11-7-79	706 KAR 1:010 Amended	61	9-5-79	811 KAR 1:070 Amended	304	1-2-80
701 KAR 1:020 Amended	545		706 KAR 1:020	127	10-3-79	811 KAR 1:075 Amended	437	4-1-80
702 KAR 1:010 Amended	386	3-5-80	706 KAR 1:030	514	5-7-80	811 KAR 1:090 Amended	305	1-2-80
702 KAR 1:035 Amended	495	5-7-80	707 KAR 1:003 Amended	546		811 KAR 1:125 Amended	307	1-2-80
702 KAR 1:040 Amended	495	5-7-80	707 KAR 1:040 Amended	284	1-2-80	811 KAR 1:150 Amended	309	1-2-80
702 KAR 1:080 Amended	496	5-7-80	707 KAR 1:060 Amended	191	2-6-80	811 KAR 1:150 Amended	439	4-1-80
702 KAR 1:090 Amended	496	5-7-80	723 KAR 1:005 Amended	547		815 KAR 7:010 Rejected	444	4-1-80
702 KAR 3:010 Amended	497	5-7-80	723 KAR 1:045 Amended	427	5-7-80	815 KAR 7:012 Amended	246	10-3-79
702 KAR 3:020 Amended	545		723 KAR 1:055 Amended	428	5-7-80	815 KAR 7:020 Rejected	265	10-23-79
702 KAR 3:030 Amended	283	1-2-80	725 KAR 2:010 Amended	486	4-1-80	815 KAR 10:015 Amended	271	10-23-79
702 KAR 3:040 Amended	383		801 KAR 1:007 Withdrawn	388	3-5-80	815 KAR 10:020 Repealed	515	5-7-80
702 KAR 3:045 Amended	386		803 KAR 1:020 Withdrawn		1-4-80	815 KAR 20:060 Amended	515	5-7-80
702 KAR 3:130 Amended	545		803 KAR 1:100 Amended	61		815 KAR 20:090 Amended	133	
702 KAR 3:140 Repealed	580		803 KAR 2:015 Amended	179	9-5-79	815 KAR 20:110 Amended	384	1-2-80
702 KAR 3:141	581		803 KAR 2:019 Amended	585		815 KAR 20:120 Amended	134	1-2-80
702 KAR 3:161	486	4-1-80	803 KAR 2:020 Amended	652		815 KAR 20:141 Amended	138	11-7-79
702 KAR 4:010 Amended	551	4-1-80	803 KAR 2:027 Amended	111	8-1-79	815 KAR 30:050 Amended	139	9-18-79
702 KAR 4:020 Amended	424	4-1-80	803 KAR 2:030 Amended	127	10-3-79	815 KAR 45:020 Amended	552	
702 KAR 4:040 Amended	424	4-1-80	803 KAR 2:050 Amended	284	1-2-80	815 KAR 45:030 Amended	212	12-5-79
702 KAR 4:050 Amended	425	4-1-80	803 KAR 50:010 Amended	428	4-1-80	900 KAR 1:005 Amended	213	11-7-79
702 KAR 4:060 Withdrawn	425		806 KAR 24:021 Withdrawn	587		901 KAR 1:041 Amended	214	11-7-79
702 KAR 4:070 Amended	425	3-17-80	806 KAR 39:060 Amended	210	11-7-79	901 KAR 5:100 Amended	216	11-7-79
702 KAR 4:080 Amended	425	5-7-80	807 KAR 25:010 Amended	130	10-3-79	902 KAR 1:010 Amended	377	2-6-80
702 KAR 4:090 Amended	425		807 KAR 25:025 Amended	286	1-2-80	902 KAR 1:013 Repealed	104	9-5-79
702 KAR 4:100 Amended	425		807 KAR 50:005 Amended	430	4-1-80	902 KAR 1:016 Amended	445	4-1-80
702 KAR 4:110 Amended	425		807 KAR 50:015 Amended	589		902 KAR 1:017 Amended	195	11-7-79
702 KAR 4:120 Amended	425		807 KAR 50:020 Amended	62	9-5-79	902 KAR 1:018 Amended	191	11-7-79
702 KAR 4:130 Amended	425		807 KAR 50:025 Amended	102	1-8-80	902 KAR 1:019 Amended	70	9-5-79
702 KAR 4:140 Amended	425		807 KAR 50:030 Amended	239	3-3-80	902 KAR 1:020 Amended	192	11-7-79
702 KAR 4:150 Amended	425		807 KAR 50:035 Amended	500	5-7-80	902 KAR 1:021 Amended	70	9-5-79
702 KAR 4:160 Amended	425		807 KAR 50:040 Amended	181	9-5-79	902 KAR 1:022 Amended	355	2-6-80
702 KAR 4:170 Amended	425		807 KAR 50:045 Amended	505	5-7-80	902 KAR 1:023 Amended	71	9-5-79
702 KAR 4:180 Amended	425		807 KAR 50:050 Amended	113	8-1-79	902 KAR 1:024 Amended	140	10-3-79
702 KAR 4:190 Amended	425		807 KAR 50:055 Amended	182	9-5-79	902 KAR 1:025 Amended	105	9-5-79
702 KAR 4:200 Amended	425		807 KAR 50:060 Amended	332	1-2-80	902 KAR 1:026 Amended	141	10-3-79
702 KAR 4:210 Amended	425		807 KAR 50:065 Amended	54	7-17-79	902 KAR 1:027 Amended	106	9-5-79
702 KAR 4:220 Amended	425		807 KAR 50:070 Amended	211	11-7-79	902 KAR 1:028 Amended	314	1-2-80
702 KAR 4:230 Amended	425		807 KAR 50:075 Amended			902 KAR 1:029 Amended	141	10-3-79
702 KAR 4:240 Amended	425		807 KAR 50:080 Amended			902 KAR 1:030 Amended	106	9-5-79
702 KAR 4:250 Amended	425		807 KAR 50:085 Amended			902 KAR 1:031 Amended	314	1-2-80
702 KAR 4:260 Amended	425		807 KAR 50:090 Amended			902 KAR 1:032 Amended	141	10-3-79
702 KAR 4:270 Amended	425		807 KAR 50:095 Amended			902 KAR 1:033 Amended	106	9-5-79
702 KAR 4:280 Amended	425		807 KAR 50:100 Amended			902 KAR 1:034 Amended	141	10-3-79
702 KAR 4:290 Amended	425		807 KAR 50:105 Amended			902 KAR 1:035 Amended	356	2-6-80
702 KAR 4:300 Amended	425		807 KAR 50:110 Amended			902 KAR 1:036 Amended	106	9-5-79
702 KAR 4:310 Amended	425		807 KAR 50:115 Amended			902 KAR 1:037 Amended	142	10-3-79
702 KAR 4:320 Amended	425		807 KAR 50:120 Amended			902 KAR 1:038 Amended	106	9-5-79
702 KAR 4:330 Amended	425		807 KAR 50:125 Amended			902 KAR 1:039 Amended	357	2-6-80
702 KAR 4:340 Amended	425		807 KAR 50:130 Amended			902 KAR 1:040 Amended	107	9-5-79
702 KAR 4:350 Amended	425		807 KAR 50:135 Amended			902 KAR 1:041 Amended	107	9-5-79
702 KAR 4:360 Amended	425		807 KAR 50:140 Amended			902 KAR 1:042 Amended	72	9-5-79
702 KAR 4:370 Amended	425		807 KAR 50:145 Amended			902 KAR 1:043 Amended	240	12-5-79
702 KAR 4:380 Amended	425		807 KAR 50:150 Amended					

ADMINISTRATIVE REGISTER

L5

Regulation	6 Ky.R. Page No.	Effective Date	Regulation	6 Ky.R. Page No.	Effective Date	Regulation	6 Ky.R. Page No.	Effective Date
902 KAR 1:057	107	9-5-79	902 KAR 20:020			904 KAR 2:055		
Amended	357	2-6-80	Amended	602		Amended	152	10-3-79
902 KAR 1:060			902 KAR 20:025			904 KAR 2:081	273	11-7-79
Amended	73	9-5-79	Amended	447		904 KAR 2:085	275	11-7-79
902 KAR 1:061	216	11-7-79	902 KAR 20:030			904 KAR 3:010		
902 KAR 1:075			Amended	610		Amended	154	10-3-79
Amended	192	11-7-79	902 KAR 20:035			904 KAR 3:020		
Amended	446	4-1-80	Amended	614		Amended	156	10-3-79
902 KAR 1:080			902 KAR 20:040			904 KAR 3:030		
Amended	143	10-3-79	Amended	148	10-3-79	Amended	158	10-3-79
902 KAR 1:081			Amended	456	4-1-80	904 KAR 3:035	171	10-3-79
Amended	144	10-3-79	Amended	620		904 KAR 3:040		
902 KAR 1:085			902 KAR 20:047			Amended	160	10-3-79
Amended	192	11-7-79	Amended	459	4-1-80	Amended	374	
902 KAR 1:090			902 KAR 20:050			904 KAR 3:050		
Amended	73	9-5-79	Amended	460		Amended	161	10-3-79
902 KAR 1:100			Amended	527	4-1-80	904 KAR 3:060	379	
Amended	193	11-7-79	Amended	623		904 KAR 3:070	380	
Repealed	445	4-1-80	902 KAR 20:055			905 KAR 1:085	350	12-5-79
902 KAR 1:110			Amended	632				
Amended	74	9-5-79	902 KAR 20:060	169				
Amended	240	12-5-79	902 KAR 20:105					
902 KAR 1:125			Amended	196	11-7-79			
Amended	194	11-7-79	902 KAR 20:115					
902 KAR 1:130			Amended	359	2-6-80			
Amended	194	11-7-79	902 KAR 20:125					
902 KAR 1:140			Amended	392				
Amended	144	10-3-79	Amended	536	4-1-80			
902 KAR 1:141			902 KAR 45:005					
Amended	358	2-6-80	Amended	361				
902 KAR 1:142	653		Amended	564	5-7-80			
902 KAR 1:180			902 KAR 45:010					
Amended	74	9-5-79	Amended	373	5-7-80			
902 KAR 1:190			902 KAR 47:040	654				
Amended	76	9-5-79	902 KAR 50:020					
902 KAR 1:210			Amended	639				
Amended	145	10-3-79	902 KAR 50:030					
902 KAR 1:260			Amended	84	9-5-79			
Amended	76	9-5-79	902 KAR 100:012	378	2-6-80			
902 KAR 1:270			902 KAR 100:017	217	11-7-79			
Amended	145	10-3-79	902 KAR 100:051	218	12-5-79			
902 KAR 1:280			902 KAR 100:052	219	12-5-79			
Amended	77	9-5-79	902 KAR 100:055					
Amended	241	12-5-79	Repealed	217	11-7-79			
902 KAR 1:290			902 KAR 100:057	220	12-5-79			
Amended	145	10-3-79	902 KAR 100:058	221	12-5-79			
902 KAR 1:300			902 KAR 105:060					
Amended	77	9-5-79	Amended	200	11-7-79			
902 KAR 1:316			904 KAR 1:002					
Amended	547		Amended	90				
902 KAR 1:318			Amended	234	10-3-79			
Amended	195	11-7-79	904 KAR 1:009					
Amended	446	4-1-80	Amended	91	10-3-79			
902 KAR 1:320			904 KAR 1:010					
Amended	195	11-7-79	Amended	150	10-3-79			
902 KAR 1:322			904 KAR 1:021	222	11-7-79			
Amended	146	10-3-79	904 KAR 1:023					
Amended	589		Repealed	222	11-7-79			
902 KAR 1:324			904 KAR 1:026					
Amended	147	10-3-79	Amended	92	9-5-79			
Amended	358	2-6-80	904 KAR 1:027					
902 KAR 1:326			Amended	645				
Amended	78	9-5-79	904 KAR 1:034					
902 KAR 1:328			Amended	93				
Amended	78	9-5-79	Amended	415	2-6-80			
Amended	548		904 KAR 1:038					
902 KAR 1:331	377	2-6-80	Amended	646				
902 KAR 1:332	378	2-6-80	904 KAR 1:041					
902 KAR 4:020			Repealed	222	11-7-79			
Amended	147	10-3-79	904 KAR 1:074	655				
902 KAR 4:030			904 KAR 1:075	487	4-1-80			
Amended	314	1-2-80	904 KAR 2:005					
902 KAR 6:020			Amended	315				
Amended	79	9-5-79	904 KAR 2:008	119	8-1-79			
902 KAR 6:030			904 KAR 2:010					
Amended	80	9-5-79	Amended	317				
902 KAR 6:050			904 KAR 2:015					
Amended	83	9-5-79	Amended	151	10-3-79			
902 KAR 10:050	244	12-5-79	904 KAR 2:020	183	9-5-79			
902 KAR 20:007			904 KAR 2:045					
Amended	391	4-1-80	Amended	647				
902 KAR 20:010			904 KAR 2:050					
Amended	590		Amended	648				

KRS Sections Related to KAR

KRS Section	Regulation	KRS Section	Regulation	KRS Section	Regulation
15.330	503 KAR 1:040	150.330	301 KAR 2:028	157.870	723 KAR 1:045
15.460	503 KAR 5:050		301 KAR 2:040		723 KAR 1:055
15.470	503 KAR 5:050		301 KAR 2:045	157.855	723 KAR 1:010
15.490	503 KAR 5:050		301 KAR 2:047	157.870	723 KAR 1:055
16.505-16.652	105 KAR 1:010		301 KAR 2:085	157.895	723 KAR 1:005
18.170	101 KAR 1:050		301 KAR 2:109	158.030	703 KAR 2:016
	101 KAR 1:130		301 KAR 2:111	158.060	703 KAR 2:010
18.190	101 KAR 1:050		301 KAR 3:053	158.070	703 KAR 2:010
18.210	101 KAR 1:050	150.340	301 KAR 2:028		704 KAR 5:050
18.240	101 KAR 1:050		301 KAR 2:045	158.090	704 KAR 5:050
18.270	101 KAR 1:130		301 KAR 2:047	158.300	704 KAR 5:010
18.272	101 KAR 1:130		301 KAR 2:085		704 KAR 5:050
Chapter 42	200 KAR 2:005		301 KAR 2:109	158.310	704 KAR 5:010
Chapter 44	200 KAR 2:005		301 KAR 2:111	158.320	704 KAR 5:010
Chapter 45	200 KAR 2:005	150.360	301 KAR 2:028	158.330	704 KAR 5:010
Chapter 45A	200 KAR 5:302		301 KAR 2:045	158.340	704 KAR 5:010
	200 KAR 5:303		301 KAR 2:047	158.350	704 KAR 5:010
	200 KAR 5:310		301 KAR 2:085	160.045	702 KAR 1:080
	200 KAR 5:315		301 KAR 2:109	160.550	702 KAR 3:050
	200 KAR 5:317		301 KAR 2:111	160.560	702 KAR 3:040
45A.345-45A.460	702 KAR 3:141		301 KAR 3:053	161.020	704 KAR 20:005
61.490	900 KAR 1:005	150.365	301 KAR 2:045		704 KAR 20:132
61.510-61.702	105 KAR 1:010		301 KAR 3:053		704 KAR 20:140
78.510-78.852	105 KAR 1:010	150.370	301 KAR 2:045		704 KAR 20:229
95A.040	815 KAR 45:020		301 KAR 2:047		704 KAR 20:235
	815 KAR 45:030		301 KAR 2:109	161.025	704 KAR 20:005
95A.050	815 KAR 45:020		301 KAR 2:111		704 KAR 20:132
138.130	103 KAR 41:040	150.390	301 KAR 2:045		704 KAR 20:140
	103 KAR 41:050		301 KAR 2:106		704 KAR 20:229
138.195	103 KAR 41:040		301 KAR 2:109		704 KAR 20:235
	103 KAR 41:050		301 KAR 2:111	161.030	704 KAR 20:005
Chapter 147A	109 KAR 5:010		301 KAR 3:053		704 KAR 20:132
150.010	301 KAR 1:060	150.400	301 KAR 2:045		704 KAR 20:140
	301 KAR 1:155		301 KAR 2:109		704 KAR 20:229
150.025	301 KAR 1:015	150.445	301 KAR 1:155		704 KAR 20:235
	301 KAR 1:055	150.470	301 KAR 1:055	161.159	702 KAR 1:035
	301 KAR 1:155	150.620	301 KAR 1:015	161.780	702 KAR 1:040
	301 KAR 2:040	150.625	301 KAR 1:015	162.010	702 KAR 4:050
	301 KAR 2:047	150.990	301 KAR 1:055	162.060	702 KAR 3:020
	301 KAR 2:085	156.030	704 KAR 3:312		702 KAR 4:010
	301 KAR 2:106	156.035	704 KAR 3:265		702 KAR 4:020
	301 KAR 2:109		704 KAR 3:292		702 KAR 4:060
	301 KAR 2:111		707 KAR 1:003		702 KAR 4:070
	301 KAR 3:053	156.070	701 KAR 1:020	162.070	702 KAR 4:040
150.090	301 KAR 1:015		702 KAR 3:130	162.140	702 KAR 3:030
150.170	301 KAR 1:155		704 KAR 3:312	162.160	702 KAR 4:060
	301 KAR 2:040		704 KAR 4:015		702 KAR 4:070
	301 KAR 2:047	156.095	704 KAR 3:280	162.170	702 KAR 3:020
	301 KAR 2:085	156.132	704 KAR 10:005	162.180	702 KAR 3:020
	301 KAR 2:109	156.160	702 KAR 1:090	162.300	702 KAR 3:020
	301 KAR 2:111		704 KAR 3:010		702 KAR 3:030
150.175	301 KAR 1:155		704 KAR 3:011	163.020	705 KAR 1:010
	301 KAR 2:040		704 KAR 3:304		705 KAR 7:050
	301 KAR 2:047		704 KAR 3:305	163.030	705 KAR 1:010
	301 KAR 2:085		704 KAR 4:010		705 KAR 7:050
	301 KAR 2:111		704 KAR 4:020	163.110	706 KAR 1:010
	301 KAR 3:053		704 KAR 10:022		706 KAR 1:020
150.176	301 KAR 2:047		704 KAR 10:050	163.120	706 KAR 1:010
	301 KAR 2:109	156.200	702 KAR 3:020		706 KAR 1:020
	301 KAR 3:053	156.400-156.476	704 KAR 2:020	163.130	706 KAR 1:010
150.180	301 KAR 1:120	157.100-157.190	704 KAR 2:020		706 KAR 1:020
150.190	301 KAR 1:140	157.200-157.305	707 KAR 1:003	163.140	706 KAR 1:010
150.235	301 KAR 1:120		707 KAR 1:060		706 KAR 1:020
	301 KAR 2:085	157.312	704 KAR 5:050	163.160	706 KAR 1:010
150.240	301 KAR 2:040	157.315	704 KAR 5:050		706 KAR 1:020
150.280	301 KAR 2:060	157.360	702 KAR 3:161		706 KAR 1:030
150.290	301 KAR 2:060		704 KAR 3:010	163.170	706 KAR 1:010
150.300	301 KAR 2:028		704 KAR 3:011	163.180	706 KAR 1:010
	301 KAR 2:045		704 KAR 3:025	164.020	13 KAR 2:010
	301 KAR 2:106		704 KAR 3:030	164.530	13 KAR 2:010
150.305	301 KAR 2:028		704 KAR 5:050	164.540	13 KAR 2:010
	301 KAR 2:045	157.390	702 KAR 1:020	165A.350	201 KAR 24:010
	301 KAR 2:085	157.420	702 KAR 1:010	165A.360	201 KAR 24:010
	301 KAR 2:109		702 KAR 3:010	165A.380	201 KAR 24:010
	301 KAR 2:111	157.820	723 KAR 1:005	167.210-167.240	707 KAR 1:040
	301 KAR 3:053		723 KAR 1:010	171.125-171.306	725 KAR 2:010

ADMINISTRATIVE REGISTER

L7

KRS Section	Regulation	KRS Section	Regulation	KRS Section	Regulation
171.150	725 KAR 2:010	211.990	902 KAR 100:051	217.814-217.826	902 KAR 1:140
171.204	725 KAR 2:010		902 KAR 100:052		902 KAR 1:141
176.050	603 KAR 1:020		902 KAR 100:057		902 KAR 1:142
177.106	603 KAR 1:020		902 KAR 100:058		902 KAR 1:180
177.220	603 KAR 5:025	211.993	902 KAR 105:060		902 KAR 1:190
177.230	603 KAR 5:025	Chapter 213	901 KAR 5:100		902 KAR 1:210
177.300	603 KAR 5:025	214.155	902 KAR 4:030		902 KAR 1:260
177.830 177.890	603 KAR 3:020	214.500	110 KAR 1:010		902 KAR 1:270
177.905 177.950	603 KAR 3:051		110 KAR 1:020		902 KAR 1:280
183.200 183.213	602 KAR 15:010	214.510	110 KAR 1:010		902 KAR 1:290
189.190	603 KAR 5:025		110 KAR 1:020		902 KAR 1:300
189.222	603 KAR 5:096		110 KAR 1:030		902 KAR 1:316
189.337	603 KAR 5:050		110 KAR 1:040		902 KAR 1:318
189.340	603 KAR 5:025	214.520	110 KAR 1:010		902 KAR 1:320
194.050	904 KAR 2:086		110 KAR 1:020		902 KAR 1:322
	904 KAR 2:087		110 KAR 1:030		902 KAR 1:324
	904 KAR 2:090		110 KAR 1:040		902 KAR 1:326
	904 KAR 3:010		110 KAR 1:050		902 KAR 1:328
	904 KAR 3:020	214.530	110 KAR 1:010		902 KAR 1:331
	904 KAR 3:030		110 KAR 1:020		902 KAR 1:332
	904 KAR 3:035		110 KAR 1:050	217.990	902 KAR 1:010
	904 KAR 3:040	216.405-216.485	902 KAR 20:007		902 KAR 1:014
	904 KAR 3:050		902 KAR 20:010		902 KAR 1:015
	904 KAR 3:060		902 KAR 20:020		902 KAR 1:016
	904 KAR 3:070		902 KAR 20:025		902 KAR 1:017
Chapter 198B	815 KAR 7:010		902 KAR 20:030		902 KAR 1:020
	815 KAR 7:012		902 KAR 20:035		902 KAR 1:025
	815 KAR 7:020		902 KAR 20:040		902 KAR 1:027
	815 KAR 7:030		902 KAR 20:047		902 KAR 1:030
199.465	905 KAR 1:085		902 KAR 20:050		902 KAR 1:032
205.010	904 KAR 2:005		902 KAR 20:055		902 KAR 1:035
205.200	904 KAR 2:005		902 KAR 20:060		902 KAR 1:037
	904 KAR 2:010		902 KAR 20:105		902 KAR 1:040
	904 KAR 2:045		902 KAR 20:115		902 KAR 1:042
	904 KAR 2:050		902 KAR 20:125		902 KAR 1:045
205.210	904 KAR 2:010	216.990	902 KAR 20:007		902 KAR 1:047
205.215	904 KAR 2:008		902 KAR 20:010		902 KAR 1:052
205.231	904 KAR 1:075		902 KAR 20:020		902 KAR 1:055
	904 KAR 2:055		902 KAR 20:025		902 KAR 1:057
205.237	904 KAR 1:075		902 KAR 20:030		902 KAR 1:060
205.245	904 KAR 2:015		902 KAR 20:035		902 KAR 1:061
	904 KAR 2:045		902 KAR 20:040		902 KAR 1:075
205.270	904 KAR 1:075		902 KAR 20:047		902 KAR 1:080
205.400	904 KAR 2:085		902 KAR 20:050		902 KAR 1:081
205.520	904 KAR 1:002		902 KAR 20:055		902 KAR 1:085
	904 KAR 1:009		902 KAR 20:060		902 KAR 1:090
	904 KAR 1:021		902 KAR 20:105		902 KAR 1:100
	904 KAR 1:026		902 KAR 20:115		902 KAR 1:110
	904 KAR 1:027		902 KAR 20:125		902 KAR 1:125
	904 KAR 1:034	Chapter 216A	201 KAR 6:010		902 KAR 1:130
	904 KAR 1:038	217.005-217.215	902 KAR 45:010		902 KAR 1:140
	904 KAR 1:074	217.700	902 KAR 47:040		902 KAR 1:141
205.550	904 KAR 1:010	217.814-217.826	902 KAR 1:010		902 KAR 1:142
205.560	904 KAR 1:010		902 KAR 1:014		902 KAR 1:180
	904 KAR 1:074		902 KAR 1:015		902 KAR 1:190
205.795	904 KAR 2:020		902 KAR 1:016		902 KAR 1:210
205.810	904 KAR 2:081		902 KAR 1:017		902 KAR 1:260
205.991	904 KAR 1:074		902 KAR 1:020		902 KAR 1:270
210.120	902 KAR 6:020		902 KAR 1:025		902 KAR 1:280
210.370	902 KAR 6:020		902 KAR 1:027		902 KAR 1:290
210.400	902 KAR 6:030		902 KAR 1:030		902 KAR 1:300
210.410	902 KAR 6:030		902 KAR 1:032		902 KAR 1:316
210.420	902 KAR 6:050		902 KAR 1:035		902 KAR 1:318
210.440	902 KAR 6:050		902 KAR 1:037		902 KAR 1:320
210.450	902 KAR 6:020		902 KAR 1:040		902 KAR 1:322
	902 KAR 6:030		902 KAR 1:041		902 KAR 1:324
211.025	902 KAR 10:050		902 KAR 1:042		902 KAR 1:326
	902 KAR 47:040		902 KAR 1:045		902 KAR 1:328
211.090	902 KAR 10:050		902 KAR 1:047		902 KAR 1:331
	902 KAR 47:040		902 KAR 1:052		902 KAR 1:332
211.180	902 KAR 4:020		902 KAR 1:055	217.992	902 KAR 45:010
	902 KAR 10:050		902 KAR 1:057	Chapter 217B	302 KAR 31:005
	902 KAR 47:040		902 KAR 1:060		302 KAR 31:015
211.840-211.852	902 KAR 100:012		902 KAR 1:061		302 KAR 31:025
	902 KAR 100:017		902 KAR 1:075		401 KAR 7:010
	902 KAR 100:051		902 KAR 1:080		401 KAR 7:020
	902 KAR 100:052		902 KAR 1:081		401 KAR 7:030
	902 KAR 100:057		902 KAR 1:085	217C.010-217C.990	902 KAR 50:020
	902 KAR 100:058		902 KAR 1:090		902 KAR 50:030
211.870	902 KAR 105:060		902 KAR 1:100	Chapter 218A	901 KAR 1:041
211.890	902 KAR 105:060		902 KAR 1:110	219.011-219.081	902 KAR 45:005
211.990	902 KAR 100:012		902 KAR 1:125	219.991	902 KAR 45:005
	902 KAR 100:017		902 KAR 1:130	Chapter 223	401 KAR 6:040

ADMINISTRATIVE REGISTER

KRS Section	Regulation	KRS Section	Regulation	KRS Section	Regulation
Chapter 224	401 KAR 5:029	229.081	401 KAR 2:061	243.030	804 KAR 4:030
	401 KAR 5:031		401 KAR 2:065		804 KAR 4:170
	401 KAR 59:046		401 KAR 2:066		804 KAR 4:180
	401 KAR 59:050		401 KAR 2:070		804 KAR 4:200
	401 KAR 59:095		401 KAR 2:071	243.040	804 KAR 4:130
	401 KAR 59:100		401 KAR 2:075		804 KAR 4:140
	401 KAR 59:101		401 KAR 2:076		804 KAR 4:160
	401 KAR 59:180		401 KAR 2:080		804 KAR 4:190
	401 KAR 59:185		401 KAR 2:081	243.110	804 KAR 8:060
	401 KAR 59:190		401 KAR 2:100	243.150	804 KAR 4:190
	401 KAR 59:195		401 KAR 2:110	243.200	804 KAR 4:030
	401 KAR 59:200		401 KAR 2:120		804 KAR 4:170
	401 KAR 59:210		401 KAR 2:130		804 KAR 4:180
	401 KAR 59:215		401 KAR 2:140	243.210	804 KAR 4:160
	401 KAR 59:220		401 KAR 2:150		804 KAR 8:060
	401 KAR 61:005	224.996	401 KAR 2:160	243.250	804 KAR 12:011
	401 KAR 61:045		401 KAR 2:065	243.300	804 KAR 12:011
	401 KAR 61:050		401 KAR 2:066	243.720	804 KAR 12:011
	401 KAR 61:055	Chapter 227	401 KAR 2:130	244.090	804 KAR 5:030
	401 KAR 61:056		815 KAR 10:020	244.130	804 KAR 2:015
	401 KAR 61:060	229.011	815 KAR 30:050	244.260	804 KAR 12:011
	401 KAR 61:090	229.031	201 KAR 27:005	244.310	804 KAR 12:011
	401 KAR 61:095	229.071	201 KAR 27:020	244.340	804 KAR 12:011
	401 KAR 61:100	229.081	201 KAR 27:010	Chapter 257	302 KAR 20:044
	401 KAR 61:105		201 KAR 27:015	Chapter 278	807 KAR 25:010
	401 KAR 61:110		201 KAR 27:030		807 KAR 25:025
	401 KAR 61:120		201 KAR 27:035		807 KAR 50:005
	401 KAR 61:125		201 KAR 27:040		807 KAR 50:015
	401 KAR 61:130		201 KAR 27:045		807 KAR 50:020
	401 KAR 61:135		201 KAR 27:050		807 KAR 50:052
224.020	401 KAR 63:010		201 KAR 27:055		807 KAR 50:075
	401 KAR 5:026		201 KAR 27:060	289.441	808 KAR 7:010
224.032	401 KAR 5:035		201 KAR 27:065	304.24-410	806 KAR 24:021
	401 KAR 2:065	229.091	201 KAR 27:070	304.39-085	806 KAR 39:060
	401 KAR 2:066		201 KAR 27:015	311.530-311.620	201 KAR 9:040
224.033	401 KAR 2:130		201 KAR 27:030	311.990	201 KAR 9:040
	401 KAR 2:060		201 KAR 27:035		201 KAR 9:085
	401 KAR 2:061		201 KAR 27:040	312.015	201 KAR 21:065
	401 KAR 2:065		201 KAR 27:045	312.019	201 KAR 21:005
	401 KAR 2:066		201 KAR 27:050		201 KAR 21:015
	401 KAR 2:080		201 KAR 27:055		201 KAR 21:025
	401 KAR 2:081		201 KAR 27:060		201 KAR 21:031
	401 KAR 2:120		201 KAR 27:065		201 KAR 21:035
	401 KAR 2:130		201 KAR 27:070		201 KAR 21:045
224.037	401 KAR 2:160	229.151	201 KAR 27:025		201 KAR 21:055
	401 KAR 2:055	229.171	201 KAR 27:010		201 KAR 21:060
	401 KAR 2:056	229.991	201 KAR 27:015	312.021	201 KAR 21:065
	401 KAR 2:110	230.210-230.360	810 KAR 1:004	312.055	201 KAR 21:025
224.060	401 KAR 5:026		810 KAR 1:006	312.065	201 KAR 21:031
	401 KAR 5:035		810 KAR 1:009	312.085	201 KAR 21:041
224.071	401 KAR 2:065	230.630	810 KAR 1:015		201 KAR 21:055
	401 KAR 2:066		811 KAR 1:015	312.095	201 KAR 21:041
	401 KAR 2:070		811 KAR 1:020	312.105	201 KAR 21:041
	401 KAR 2:071		811 KAR 1:030	312.115	201 KAR 21:041
224.081	401 KAR 2:130		811 KAR 1:035	312.991	201 KAR 21:065
	401 KAR 2:140		811 KAR 1:050	313.080	201 KAR 8:140
	401 KAR 2:065		811 KAR 1:055	314.011	201 KAR 20:011
	401 KAR 2:066		811 KAR 1:065		201 KAR 20:015
224.083	401 KAR 2:130		811 KAR 1:070		201 KAR 20:030
	401 KAR 2:065		811 KAR 1:075		201 KAR 20:050
	401 KAR 2:130		811 KAR 1:090		201 KAR 20:056
224.135	401 KAR 5:010		811 KAR 1:125		201 KAR 20:150
224.255	401 KAR 2:060	230.640	811 KAR 1:150	314.041	201 KAR 20:070
	401 KAR 2:061		811 KAR 1:015		201 KAR 20:095
	401 KAR 2:070		811 KAR 1:020		201 KAR 20:110
	401 KAR 2:071		811 KAR 1:035		201 KAR 20:130
	401 KAR 2:120		811 KAR 1:050	314.051	201 KAR 20:070
	401 KAR 2:140		811 KAR 1:055		201 KAR 20:095
224.855	401 KAR 2:060		811 KAR 1:065		201 KAR 20:110
	401 KAR 2:061		811 KAR 1:070		201 KAR 20:130
224.860	401 KAR 2:120		811 KAR 1:075	314.101	201 KAR 20:090
	401 KAR 2:060		811 KAR 1:090	314.111	201 KAR 20:011
	401 KAR 2:061		811 KAR 1:125		201 KAR 20:015
224.880	401 KAR 2:120	230.660	811 KAR 1:150		201 KAR 20:030
	401 KAR 2:060	230.690	811 KAR 1:015		201 KAR 20:050
	401 KAR 2:061	230.700	811 KAR 1:125	317A.050	201 KAR 20:150
224.890	401 KAR 2:120		811 KAR 1:015	317A.060	201 KAR 12:065
	401 KAR 2:050	230.710	811 KAR 1:070		201 KAR 12:065
	401 KAR 2:051		811 KAR 1:090	Chapter 318	201 KAR 12:105
	401 KAR 2:055		811 KAR 1:125		201 KAR 12:130
	401 KAR 2:056	230.720	811 KAR 1:015		815 KAR 20:060
	401 KAR 2:060	230.770	811 KAR 1:200		815 KAR 20:090
					815 KAR 20:110

ADMINISTRATIVE REGISTER

L9

KRS Section	Regulation
Chapter 318	815 KAR 20:120
	815 KAR 20:141
320.220	201 KAR 5:010
320.250	201 KAR 5:010
320.270	201 KAR 5:010
320.300	201 KAR 5:037
320.310	201 KAR 5:040
321.350	201 KAR 16:010
323A.060	201 KAR 10:050
323A.100	201 KAR 10:050
325.261	201 KAR 1:061
325.265	201 KAR 1:061
325.270	201 KAR 1:061
325.280	201 KAR 1:061
326.060	201 KAR 5:037
334A.020	201 KAR 17:050
	201 KAR 17:060
334A.030	201 KAR 17:010
334A.130	201 KAR 17:010
334A.180	201 KAR 17:041
Chapter 335	201 KAR 23:100
Chapter 338	803 KAR 2:015
	803 KAR 2:019
	803 KAR 2:020
	803 KAR 2:027
	803 KAR 2:030
	803 KAR 2:050
	803 KAR 50:010
339.210-339.450	803 KAR 1:100
Chapter 342	803 KAR 25:010
346.040	107 KAR 1:010
350.060	405 KAR 1:051
350.093	405 KAR 1:260
350.100	405 KAR 1:260
350.151	405 KAR 3:111
350.440	405 KAR 1:141
424.260	702 KAR 3:141
433.750	603 KAR 5:025
433.753	603 KAR 5:025
Chapter 438	815 KAR 30:050
438.065	201 KAR 5:037

Subject Index

AGRICULTURE

- Horses
 - Imported, treatment of for CEM; 302 KAR 20:044E
- Pesticides
 - Certification; 302 KAR 31:015
 - Control, fumigation, commercial; 302 KAR 31:025
 - Provisions, general; 302 KAR 31:005

AIR POLLUTION

- Existing Source Standards
 - Appliances, large, coating of; 401 KAR 61:110
 - Autos, trucks, coating of; 401 KAR 61:090
 - Bulk plants; 401 KAR 61:056
 - Bulk terminals; 401 KAR 61:055
 - Cans, coating of; 401 KAR 61:125
 - Coils, coating of; 401 KAR 61:130
 - Fabric, vinyl, paper, coating of; 401 KAR 61:120
 - Furniture, metal, coating of; 401 KAR 61:105
 - Magnet wire, insulation of; 401 KAR 61:100
 - Metal cleaning, equipment for; 401 KAR 61:095
 - Organic solvents, sources using; 401 KAR 61:060
 - Petroleum refining, equipment; 401 KAR 61:135
 - Petroleum, storage vessels for; 401 KAR 61:050
 - Provisions, general; 401 KAR 61:005
 - Water separators, oil-effluent; 401 KAR 61:045
- General Standards of Performance
 - Emissions, fugitive; 401 KAR 63:010
- New Source Standards
 - Appliances, large, coating of; 401 KAR 59:200
 - Bulk plants; 401 KAR 59:180
 - Bulk Terminal, loading facilities at; 401 KAR 59:100
 - Cans, coating of; 401 KAR 59:215
 - Coils, coating of; 401 KAR 59:220
 - Fabric, vinyl, paper, coating of; 401 KAR 59:210
 - Furniture, surface coating of; 401 KAR 59:195
 - Magnet wire, insulation of; 401 KAR 59:190
 - Metal cleaning equipment, solvent; 401 KAR 59:185
 - Oil-effluent water separators; 401 KAR 59:095
 - Petroleum refining, equipment; 401 KAR 59:046
 - Petroleum, storage vessels for; 401 KAR 59:050

AIRPORT DEVELOPMENT

- Loans; 602 KAR 15:010

ARCHITECTS, LANDSCAPE

- Fees; 201 KAR 10:050

ARCHIVES

- (See Library and Archives)

ARTS, EDUCATION

- (See also Education)
- Library and archives; 725 KAR 2:010

BANKING AND SECURITIES

- Savings and Loans
 - Mortgages, variable-rate; 808 KAR 7:010

BILLBOARDS

- (See Highways)

BOARDS

- (See Particular Board)

BOATS AND BOATING

- (See Fish and Wildlife; Water Enforcement)

CABINET

- Crime victims compensation; 107 KAR 1:010
- Local government; 109 KAR 5:010
- Personnel; 101 KAR 1:050; 101 KAR 1:130
- Retirement systems; 105 KAR 1:010

CADAVERS

- (See Vital Statistics)

CANCER COMMISSION

- Procedures
 - Advisory committees; 110 KAR 1:040
 - Definitions; 110 KAR 1:010
 - Grants, procedure for; 110 KAR 1:050
 - Procedures, commission; 110 KAR 1:030
 - Provisions, general; 110 KAR 1:020

CERTIFICATE OF NEED, LICENSURE

- Ambulance service, emergency care; 902 KAR 20:115
- Family care homes; 902 KAR 20:040
- Hearings, appeals; 902 KAR 20:125
- Hospitals; 902 KAR 20:010
- Intermediate care facilities; 902 KAR 20:050; 902 KAR 20:055
- Licenses, fees; 902 KAR 20:007
- Nursing homes; 902 KAR 20:047
- Personal care homes; 902 KAR 20:030; 902 KAR 20:035
- Rural health clinics; 902 KAR 20:060
- Skilled nursing facilities; 902 KAR 20:020; 902 KAR 20:025
- Surgical centers; ambulatory; 902 KAR 20:105

CHIROPRACTIC EXAMINERS

- Advertising; 201 KAR 21:065
- Board, meetings of; 201 KAR 21:031
- Board, officers, duties; 201 KAR 21:025
- Clinics, offices; 201 KAR 21:060
- Colleges, approved; 201 KAR 21:055
- Conduct, code of; 201 KAR 21:015
- Definitions; 201 KAR 21:005
- Licensing, fees; 201 KAR 21:041
- Seal; 201 KAR 21:035
- Specialties; 201 KAR 21:045

CONSUMER HEALTH

- Food service, code for; 902 KAR 45:005
- Food service, definitions for; 902 KAR 45:010
- Insulation; 902 KAR 47:040
- Milk, grade A; 902 KAR 50:020
- Refuse bins; 902 KAR 10:050

CONTROLLED SUBSTANCES

- Prescriptions, exempt; 901 KAR 1:041

COUNCIL ON HIGHER EDUCATION

- Public Educational Institutions
 - Contract programs, residency for; 13 KAR 2:010

CRIME VICTIMS COMPENSATION BOARD

- Hardship standards; 107 KAR 1:010

DENTISTRY

- Education, continuing; 201 KAR 8:140

DEVELOPMENT

- Agriculture
 - Horses; 302 KAR 20:044E
 - Pesticides; 302 KAR 31:005 to 302 KAR 31:025
- Fish and Wildlife
 - Fishing; 301 KAR 1:015 to 301 KAR 1:060
 - Game; 301 KAR 2:047; 301 KAR 2:111
 - Hunting; 301 KAR 2:045 to 301 KAR 3:053

DRUG FORMULARY

- Acetaminophen; 902 KAR 1:080
- Acetaminophen with codeine; 902 KAR 1:081
- Amitriptyline; 902 KAR 1:316
- Amoxicillin; 902 KAR 1:017
- Ampicillin; 902 KAR 1:020
- Chloral hydrate; 902 KAR 1:280
- Chlordiazepoxide; 902 KAR 1:328
- Chlorpheniramine; 902 KAR 1:035
- Chlorpromazine; 902 KAR 1:130
- Cyclandelate; 902 KAR 1:142
- Dexamethasone; 902 KAR 1:318
- Dicloxacillin sodium; 902 KAR 1:331
- Dicyclomine; 902 KAR 1:027
- Diocetyl sodium, sulfosuccinate; 902 KAR 1:300
- Diphenhydramine; 902 KAR 1:110
- Doxycycline; 902 KAR 1:045
- Erythromycin; 902 KAR 1:030
- Ferrous sulfate; 902 KAR 1:290
- Formulary, distribution of; 902 KAR 1:010
- Glutethimide; 902 KAR 1:326
- Griseofulvin; 902 KAR 1:037
- Hyoscyamine sulfates; 902 KAR 1:324
- Imipramine; 902 KAR 1:320
- Isoniazid; 902 KAR 1:260
- Isosorbide; 902 KAR 1:085
- Meclizine; 902 KAR 1:055
- Meperidine; 902 KAR 1:032
- Meprobamate; 902 KAR 1:190
- Methenamine; 902 KAR 1:016
- Methocarbamol; 902 KAR 1:014
- Minocycline; 902 KAR 1:061
- Nitroglycerin; 902 KAR 1:210
- Nystatin; 902 KAR 1:332
- Penicillin-G; 902 KAR 1:040
- Pentaerythritol; 902 KAR 1:025
- Pilocarpine; 902 KAR 1:052
- Piperazine; 902 KAR 1:042
- Potassium; 902 KAR 1:057
- Prednisone; 902 KAR 1:075
- Pseudoephedrine; 902 KAR 1:270
- Reserpine; 902 KAR 1:100
- Sodium pentobarbital; 902 KAR 1:060
- Sulfisoxazole; 902 KAR 1:140
- Sulfisoxazole, phenazopyridine; 902 KAR 1:141
- Tetracycline; 902 KAR 1:180
- Theophylline; 902 KAR 1:047
- Trihexyphenidyl; 902 KAR 1:125
- Tripeleminamine; 902 KAR 1:015
- Tripolidine and pseudoephedrine; 902 KAR 1:322
- Trisulfapyrimidine; 902 KAR 1:090

EDUCATION

- Administration and Finance
 - Accounting, internal; 702 KAR 3:130
 - Annexed property, transfer of; 702 KAR 1:080
 - Bond issue, approval of; 702 KAR 3:020; 702 KAR 3:020E
 - Capital outlay, guidelines for; 702 KAR 3:010
 - Certificate, procedure for suspending; 702 KAR 1:040
 - Check issuing, policy for; 702 KAR 3:040
 - Facilities, survey; 702 KAR 1:010
 - Funds, withholding of; 702 KAR 3:045
 - Instructional fees; replacement, distribution; 702 KAR 1:090
 - Insurance; group health, life; 702 KAR 1:035
 - Insurance requirements; 702 KAR 3:030
 - Repeals; 702 KAR 3:141, 702 KAR 3:161; 703 KAR 2:016
 - Terms, months; 703 KAR 2:010
- Buildings and Grounds
 - Application for construction; 702 KAR 4:010
 - Completion, changes; retainage; 702 KAR 4:040
 - Construction, criteria for; 702 KAR 4:060

EDUCATION (Cont'd)

Design; mechanical, electrical, etc.; 702 KAR 4:070
 Plans, specifications; 702 KAR 4:020
 Sites; inspection, approval; 702 KAR 4:050
 Elementary, Secondary
 Hearings, summary; 704 KAR 10:005; 704 KAR 10:005E
 Exceptional
 Deaf-blind, programs for; 707 KAR 1:040
 Identification, placement, procedure for; 707 KAR 1:060
 Plan, annual; 707 KAR 1:003
 Federally Related Services
 ESEA, Title IV, plan for; 701 KAR 1:020
 Instruction
 Certification, teacher; 704 KAR 20:005; 704 KAR 20:235E
 Elementary, secondary; 704 KAR 10:022
 Instructional material; 704 KAR 2:011; 704 KAR 2:020
 Instructional services; 702 KAR 3:265 to 704 KAR 3:305
 Repeal of 704 KAR 10:010; 704 KAR 10:011
 Studies, required program of; 704 KAR 3:304
 Occupational
 Independent living, plan for; 706 KAR 1:020
 Rehabilitation, plan for; 706 KAR 1:010
 Suspension, expulsion, procedures for; 706 KAR 1:030
 School Building Authority
 Architects, engineers, fiscal agents; 723 KAR 1:045
 Funding, procedures for; 723 KAR 1:005
 Insurance; 723 KAR 1:055
 Superintendent, Office of
 Grant, technical assistance, plan for; 704 KAR 3:312
 Migrants, plan for; 704 KAR 3:292
 Vocational
 Administration; 705 KAR 1:010

EDUCATION, COUNCIL ON HIGHER

Public Educational Institutions
 Contract programs, residency for; 13 KAR 2:010

EDUCATION, PROPRIETARY

Licenses, fees for; 201 KAR 24:010

ELEMENTARY, SECONDARY EDUCATION

Hearings, summary; 704 KAR 10:005; 704 KAR 10:005E

EMPLOYEES, STATE

Compensation, plan for; 101 KAR 1:050
 Personnel appeals; 101 KAR 1:130
 Travel, reimbursement for; 200 KAR 2:005; 200 KAR 2:005E

ENERGY

Cost assistance, federal; 904 KAR 2:086E

ENERGY REGULATORY COMMISSION

Fuel adjustment; 807 KAR 50:075
 Lights, gas; 807 KAR 50:052; 807 KAR 50:052E
 Procedure, rules of; 807 KAR 50:005
 Rules, general; 807 KAR 50:015

ENVIRONMENTAL PROTECTION

Air pollution; 401 KAR 59:046 to 401 KAR 63:010
 Hazardous material, waste management; 401 KAR 2:050 to 401 KAR 2:080; 401 KAR 2:051E to 401 KAR 2:081E; 401 KAR 2:100E to 401 KAR 2:160E
 Pest Control; 401 KAR 7:010 to 401 KAR 7:030
 Sanitary engineering; 401 KAR 6:040
 Water quality; 401 KAR 5:010

EXCEPTIONAL, HANDICAPPED PROGRAMS

Deaf-blind, programs for; 707 KAR 1:040
 Identification, placement, procedure for; 707 KAR 1:060
 Plan, annual; 707 KAR 1:003

FINANCE

Occupations and Professions
 Architects, landscape; 201 KAR 10:050
 Chiropractic; 201 KAR 21:005 to 201 KAR 21:065
 Dentistry; 201 KAR 8:140
 Hairdressers and cosmetologists; 201 KAR 12:065
 Medical licensure; 201 KAR 9:040
 Nursing; 201 KAR 20:011 to 201 KAR 20:150
 Nursing home administrators; 201 KAR 6:010
 Proprietary education; 201 KAR 24:010
 Social work; 201 KAR 23:100
 Speech pathology, audiology; 201 KAR 17:010 to 201 KAR 17:060
 Veterinary examiners; 201 KAR 16:010
 Purchases
 Contracts, multiple; 200 KAR 5:130
 Cost principles; 200 KAR 5:317
 Determinations, written; 200 KAR 5:303
 Disciplinary action; 200 KAR 5:315
 Manual, procedures; 200 KAR 5:302
 Travel
 Reimbursement for; 200 KAR 2:005; 200 KAR 2:005E

FIRE DEPARTMENTS, LOCAL

(See Housing, Buildings, Construction)

FIRE PREVENTION

Fireworks, exempted novelties; 815 KAR 30:050

FISH AND WILDLIFE

Fish
 Angling, season, limits; 301 KAR 1:055
 Boats, motors, sizes of; 301 KAR 1:015
 Sport, rough fish; 301 KAR 1:060
 Game
 Birds, small game; 301 KAR 2:047
 Bobwhite, sale of for food; 301 KAR 2:060
 Deer hunt, extended; 301 KAR 2:106E
 Deer seasons; 301 KAR 2:109
 Deer, turkey; 301 KAR 2:111
 Doves, woodcock, snipe, teal; 301 KAR 2:028E
 Game, small; birds; 301 KAR 2:045
 Migratory birds, seasons, limits; 301 KAR 2:085
 Turkey, wild, spring season for; 301 KAR 3:053

FISHING

(See Fish and Wildlife)

FOOD STAMP PROGRAM

Additional provisions; 904 KAR 3:050
 Application; 904 KAR 3:030
 Certification; 904 KAR 3:035
 Definitions; 904 KAR 3:010
 Eligibility; 904 KAR 3:020
 Hearings, fair; 904 KAR 3:070
 Hearings, fraud; 904 KAR 3:060
 Issuance; 904 KAR 3:040

GAME

(See Fish and Wildlife)

GRANTS, CANCER

(See Cancer Commission)

HAIRDRESSERS AND COSMETOLOGISTS

Salons, inspection of; 201 KAR 12:065

HARNESS RACING

Claiming races; 811 KAR 1:035
 Declaration to start, drawing; 811 KAR 1:055
 Drugs, stimulants; 811 KAR 1:090
 Eligibility, classification; 811 KAR 1:030
 Entries, starters, split races; 811 KAR 1:050
 Licensing; 811 KAR 1:070
 Officials; 811 KAR 1:015
 Pari-mutuel, rules for; 811 KAR 1:125
 Registration, identification; 811 KAR 1:020
 Rules, racing, track; 811 KAR 1:075
 Starting; 811 KAR 1:065

HAZARDOUS MATERIAL, WASTE

(See also Environmental Protection, Housing)
 Definitions; 401 KAR 2:050; 401 KAR 2:051E
 Fees; 401 KAR 2:080; 401 KAR 2:081E
 Identification, listing; 401 KAR 2:075; 401 KAR 2:075E
 Inspections, hearings, penalties; 401 KAR 2:065; 401 KAR 2:065E
 Permits; 401 KAR 2:060; 401 KAR 2:061E
 Provisions, general; 401 KAR 2:055; 401 KAR 2:056E
 Record keeping, reporting; 401 KAR 2:070; 401 KAR 2:071E

HEALTH SERVICES

Certificate of need; 902 KAR 20:007; 902 KAR 20:125
 Consumer health; 902 KAR 10:050 to 902 KAR 50:020
 Drug formulary; 902 KAR 1:014 to 902 KAR 1:332
 Maternal, child health; 902 KAR 4:020; 902 KAR 4:030
 Milk, milk products; 902 KAR 50:030
 Radiation operators; 902 KAR 105:060
 Radiology; 902 KAR 100:012 to 902 KAR 100:058
 Regional MH-MR retardation boards; 902 KAR 6:020 to 902 KAR 6:050

HEARINGS

Education; summary; 704 KAR 10:005

HIGHWAYS

Construction, Materials
 Driveway approaches, entrances; 603 KAR 1:020
 Maintenance
 Advertising devices, federal aid primary system; 603 KAR 3:020
 Recyclers; 603 KAR 3:051
 Traffic
 Access, fully controlled; 603 KAR 5:025
 Classifications; 603 KAR 5:096
 Control devices, uniform; 603 KAR 5:050

HOUSING, BUILDINGS, CONSTRUCTION

Building Code
 Fees, plan review; 815 KAR 7:012; 815 KAR 7:012E
 Fire departments, local; 815 KAR 45:020; 815 KAR 45:030
 Fire prevention; 815 KAR 30:050
 Fire safety standards; 815 KAR 10:020
 Plumbing; 815 KAR 20:060 to 815 KAR 20:141

HUMAN RESOURCES

Administrative Services
 Prescription, exempt; 901 KAR 1:041
 Social security reports; 900 KAR 1:005
 Vital statistics; 901 KAR 5:100
 Health Services
 Certificate of need; 902 KAR 20:007; 902 KAR 20:125
 Consumer health; 902 KAR 10:050 to 902 KAR 50:020
 Drug formulary; 902 KAR 1:010 to 902 KAR 1:332
 Maternal, child health; 902 KAR 4:020; 902 KAR 4:030
 Milk, milk products; 902 KAR 50:030
 Radiation operators; 902 KAR 105:060

HUMAN RESOURCES (Cont'd)

Radiology; 902 KAR 100:012 to 902 KAR 100:058
 Regional MH-MR retardation boards; 902 KAR 6:020 to 902 KAR 6:050
 Social Insurance
 Food stamp program; 904 KAR 3:010 to 904 KAR 3:070
 Medical assistance; 904 KAR 1:002 to 904 KAR 1:075
 Public assistance; 904 KAR 2:005; 904 KAR 2:090E

INSTRUCTION, EDUCATION

Certification
 Hearing impaired, teaching of; 704 KAR 20:229
 Learning, behavior disorders; 704 KAR 20:235; 704 KAR 20:035E
 Librarians; 704 KAR 20:140
 Nurse, school; 704 KAR 20:132
 Plan, program approval; 704 KAR 20:005
 Elementary, Secondary Education
 ESEA, Title III, repeal of; 704 KAR 10:011
 Standards; 704 KAR 10:022
 Instructional Materials
 Repeal; 704 KAR 2:011
 Textbooks, program plan for; 704 KAR 2:020
 Instructional Services
 High school graduation, units for; 704 KAR 3:305
 Nutrition education, training plan; 704 KAR 3:265
 Studies, required program of; 704 KAR 3:304

INSURANCE

Domestic Stock, Mutual Insurers
 Stock, controlling, acquisition of; 806 KAR 24:021
 No-Fault
 Stickers, emblems; 806 KAR 39:060

JUSTICE

Foundation Program Fund
 Salaries, provisions; 503 KAR 5:050

KLEC

Certification for basic training; 503 KAR 1:040

KENTUCKY LAW**ENFORCEMENT COUNCIL**

Basic training, certification; 503 KAR 1:040

LABOR

Occupational Safety, Health
 Construction; 803 KAR 2:030
 Industry, general; 803 KAR 2:015; 803 KAR 2:020
 Liquids, hazardous; 803 KAR 2:019
 Maritime employment; 803 KAR 2:027
 Scope; 803 KAR 2:050
 Standards, Wages, Hours
 Child labor; 803 KAR 1:100

LABOR STANDARDS;**WAGES AND HOURS**

(See Labor)

LAW ENFORCEMENT FOUNDATION**PROGRAM FUND**

Salary provisions; 503 KAR 5:050

LIBRARY AND ARCHIVES

Public libraries; 725 KAR 2:010

LOCAL GOVERNMENT

Boards
 District; 109 KAR 5:010

MATERNAL, CHILD HEALTH

Eyes, care of; 902 KAR 4:020
 Metabolism, inborn errors, test for; 902 KAR 4:030

MEDICAL ASSISTANCE

Claims, processing of; 904 KAR 1:074
 Definitions; 904 KAR 1:002
 Dental Services; 904 KAR 1:026; 904 KAR 1:027
 Hearing, vision, services for; 904 KAR 1:038
 Hearings, appeals; 904 KAR 1:075
 Nursing, intermediate care, payments for; 904 KAR 1:021
 Physicians' services; 904 KAR 1:009
 Physicians, payments for; 904 KAR 1:010
 Screening, diagnosis, treatment; 904 KAR 1:034

MEDICAL LICENSURE

License fees; 201 KAR 9:040

**MENTAL HEALTH,
MENTAL RETARDATION**

Regional Boards
 Funds, formula for allocation of; 902 KAR 6:050
 Local board, personnel rules of; 902 KAR 6:020
 Structure, operation; grants; 902 KAR 6:030

MILK, MILK PRODUCTS

Farm manufacturing, requirements for; 902 KAR 50:030

MINING

(See Mines and Minerals; Natural Resources)
 Reclamation; Title 405

**MOTOR VEHICLE REPARATIONS
(NO-FAULT)**

Stickers, emblems; 806 KAR 39:060

**NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION**

Air Pollution
 Existing source standards; 401 KAR 61:005 to 401 KAR 61:135
 General standards of performance; 401 KAR 63:010
 New source standards; 401 KAR 59:046 to 401 KAR 59:220
 Hazardous Material, Waste Management
 Certification; 401 KAR 7:020
 Pest control, fumigation; 401 KAR 7:030
 Provisions, general; 401 KAR 7:010
 Waste, hazardous; 401 KAR 2:100E to 401 KAR 2:160E
 Sanitary engineering; 401 KAR 6:040
 Surface Mining Reclamation
 Bonding, incremental; 405 KAR 1:051; 405 KAR 1:051E
 Strip mining; 405 KAR 1:141; 405 KAR 1:260; 405 KAR 1:141E; 405 KAR 1:260E
 Underground mining; 405 KAR 3:111; 405 KAR 3:111E
 Water quality; 401 KAR 5:010

NURSING, BOARD OF

Endorsement; 201 KAR 20:110
 Examination, licensing; 201 KAR 20:070
 Examination, retaking of; 201 KAR 20:130
 Faculty, standards for; 201 KAR 20:015
 Inactive status; 201 KAR 20:095
 Nurse practitioner; 201 KAR 20:050
 Permit, temporary; 201 KAR 20:090
 Programs, experimental; 201 KAR 20:150
 School, approval of; 201 KAR 20:011
 Schools, LPN; 201 KAR 20:050
 Schools, RN; 201 KAR 20:030

NURSING HOME ADMINISTRATORS

Licensure; 201 KAR 6:010

OCCUPATIONAL, EDUCATION

Independent living, plan for; 706 KAR 1:020
 Rehabilitation, vocational, plan for; 706 KAR 1:010
 Suspension, expulsion, procedures for; 706 KAR 1:030

**OCCUPATIONAL SAFETY
AND HEALTH****KOSH**

Construction standards; 803 KAR 2:030
 Industry, general; 803 KAR 2:015; 803 KAR 2:020
 Liquids, hazardous; 803 KAR 2:019
 Maritime employment; 803 KAR 2:027
 Scope; 803 KAR 2:050
 KOSH Commission
 Hearings, procedure; 803 KAR 50:010

OCCUPATIONS AND PROFESSIONS

Architects, landscape; 201 KAR 10:050
 Chiropractic; 201 KAR 21:005 to 201 KAR 21:065
 Dentistry; 201 KAR 8:140
 Hairdressers and cosmetologists; 201 KAR 12:065
 Medical licensure; 201 KAR 9:040
 Nursing; 201 KAR 20:011; 201 KAR 20:150
 Nursing home administrators; 201 KAR 6:010
 Proprietary education; 201 KAR 24:010
 Social work; 201 KAR 23:100
 Speech pathology, audiology; 201 KAR 17:010 to 201 KAR 17:060
 Veterinary examiners; 201 KAR 16:010

PERSONNEL

Appeals; 101 KAR 1:130
 Compensation, plan for; 101 KAR 1:050

PEST CONTROL

(See Agriculture)

PLUMBING

Materials, quality, weight; 815 KAR 20:060
 Sewage disposal, subsurface; 815 KAR 20:141
 Soil, waste, vent systems; 815 KAR 20:090
 Traps, cleanouts; 815 KAR 20:110
 Water supply, distribution; 815 KAR 21:120

PROCUREMENT CODE

(See Purchasing)

PUBLIC ASSISTANCE

Adverse action, conditions for; 904 KAR 2:045
 AFDC, need, amount, standards for; 904 KAR 2:010
 AFDC, technical requirements for; 904 KAR 2:005
 Aged, blind, disabled, supplemental for; 904 KAR 2:015
 Energy allowance, supplemental; 904 KAR 2:090E
 Emergency assistance, program for; 904 KAR 2:008
 FECAP, eligibility for; 904 KAR 2:087E
 Hearings, appeals; 904 KAR 2:055
 Payments, time and manner for; 904 KAR 2:050

**PUBLIC PROTECTION
AND REGULATION**

Banking
 Savings and loans, mortgages; 808 KAR 7:010
 Harness racing; 811 KAR 1:015 to 811 KAR 1:125
 Housing, Buildings, Construction
 Building code; 815 KAR 7:012E
 Fire departments, local; 815 KAR 45:020; 815 KAR 45:030
 Hazardous materials; 815 KAR 30:050
 Plumbing; 815 KAR 20:060 to 815 KAR 20:141
 Safety standards, fire; 815 KAR 10:020
 Insurance
 Domestic stock, mutual insurers; 806 KAR 24:021
 Labor
 Occupational safety, health; 803 KAR 2:015; 803 KAR 2:050
 Standards, wages, hours; 803 KAR 1:100

PUBLIC PROTECTION**AND REGULATION (Cont'd)**

KOSH Review Commission
Hearings, procedure; 803 KAR 50:010
Public Service Commissions
Energy; 807 KAR 50:015 to 807 KAR 50:075
Racing commission, thoroughbreds; 810 KAR 1:004 to 810 KAR 1:015

PUBLIC SERVICE COMMISSIONS

Energy Regulatory Commission
Fuel adjustment; 807 KAR 50:075
Lights, outdoor gas; 807 KAR 50:052; 807 KAR 50:052E
Procedure, rules of; 807 KAR 50:005
Rules, general; 807 KAR 50:015
Utility Regulatory Commission
Procedure, rules of; 807 KAR 25:010

PURCHASING

Model Procurement Code
Contracts, multiple; 200 KAR 5:310
Cost principles; 200 KAR 5:317
Determinations, written; 200 KAR 5:303
Disciplinary action; 200 KAR 5:315
Manual, procedures; 200 KAR 5:302

RACING COMMISSION

Associations; 810 KAR 1:006
Claiming races; 810 KAR 1:015
Jockeys, apprentices; 810 KAR 1:009
Stewards; 810 KAR 1:004

RADIATION OPERATORS CERTIFICATION

Podiatrist supervision; 902 KAR 105:060

RADIOLOGY

Fees, schedule of; 902 KAR 100:012
Human use, specific license for; 902 KAR 100:051
Licenses, broad scope; 902 KAR 100:052
Licenses, in vitro, general medical; 902 KAR 100:057
Sale, distribution; 902 KAR 100:058
Teletherapy, calibration requirements; 902 KAR 100:017

RECLAMATION

Strip Mining
Bonding, incremental; 405 KAR 1:051; 405 KAR 1:051E
Contemporaneous reclamation; 405 KAR 1:260; 405 KAR 1:260E
Spoil, excess, disposal of; 405 KAR 1:141; 405 KAR 1:141E
Underground Mining
Rock and earth, excess, disposal of; 405 KAR 3:111; 405 KAR 3:111E

RECYCLERS

(See Highways)

REHABILITATION

(See Occupational Education)

RETIREMENT SYSTEMS**KERS**

Contributions, interest rates; 105 KAR 1:010

SAFETY STANDARDS

Fire; 815 KAR 10:020

SANITARY ENGINEERING

Treatment plants, systems, operator's certification; 401 KAR 6:040

SAVINGS AND LOANS

(See Banking)

SCHOOL BUILDING AUTHORITY

Architects, engineers, fiscal agents; 723 KAR 1:045
Funding; procedures for; 712 KAR 1:005
Insurance; 723 KAR 1:055

SCHOOL BUILDINGS, GROUNDS

(See Education)

SOCIAL INSURANCE

Food stamp program; 904 KAR 3:010 to 904 KAR 3:070
Medical assistance; 904 KAR 1:002 to 904 KAR 1:075
Public assistance; 904 KAR 2:005; 904 KAR 2:090E

SOCIAL SECURITY

Quarterly reports, filing of; 900 KAR 1:005

SOCIAL WORK

Hearings, procedure for; 201 KAR 23:100

SPEECH PATHOLOGY AND AUDIOLOGY

Aide, audiology; 201 KAR 17:050
Aide, pathology; 201 KAR 17:060
Ethics, code of; 201 KAR 17:041
Licensure, application for; 201 KAR 17:010

STRIP MINING

(See Reclamation)

THOROUGHBRED RACING

(See Racing Commission)

TRAINING; LAW ENFORCEMENT

(See Justice)

TRAFFIC

(See Highways)

TRANSPORTATION

Highways
Access, fully controlled; 603 KAR 5:023
Classifications; 603 KAR 5:096
Construction, materials; 603 KAR 1:020
Maintenance; 603 KAR 3:020; 603 KAR 3:051
Traffic; 603 KAR 5:050
Planning
Airports, loans for development; 602 KAR 15:010

TRAVEL

Employees, reimbursement for; 200 KAR 2:005; 200 KAR 2:005E

UNDERGROUND MINING—**SURFACE EFFECTS**

(See Reclamation)

UTILITIES

(See Public Service Commissions)

UTILITY REGULATORY COMMISSION

Procedure, rules of; 807 KAR 25:010

VETERINARY EXAMINERS

Conduct, code of; 201 KAR 16:010

VITAL STATISTICS

Cadavers; 901 KAR 5:100

VOCATIONAL EDUCATION

Administration
Annual program plan; 705 KAR 1:010

WASTE, HAZARDOUS

Definitions; 401 KAR 2:100E
Enforcement; 401 KAR 2:130E
Fees; 401 KAR 2:160E
Identification, listing; 401 KAR 2:150E
Permits; 401 KAR 2:120E
Provisions, general; 401 KAR 2:110E
Record-keeping, reporting; 401 KAR 2:140E

WATER QUALITY

Operator's certification; 401 KAR 5:010

WILDLIFE

Bobwhite, sale of for food; 301 KAR 2:060
Turkey, season for; 301 KAR 3:053

